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High Commissioner

South Africa

Certified Proclamations

1906-1908

No. 1 of 1906.

PROCLAMATION BY HIS EXCELLENCY

THE HIGH COMMISSIONER.

SANCTIONED

W H E R E A S it is desirable to enable Magistrates in Barotziland - North-Western Rhodesia - to deal with contraventions of the "Customs Proclamation(Barotziland) 1905" under an enlarged jurisdiction:-

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

NOTWITHSTANDING the provisions of Procmamation No. 6 of 1905 it shall be lawful for any Magistrate having jurisdiction within Barotziland - North-Western Rhodesia- to sentence any person convicted of a contravention of the provisions of the "Customs Proclamation (Barotziland) 1905" to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months or to both such fine and such imprisonment.

GOD SAVE THE KING !

Given under my hand and Seal at Johannesburg this Ninth day of February One thousand Nine hundred and Six

Selborne

High Commissioner

By Command of His Excellency the
High Commissioner.

C H Rodwell

Imperial Secretary.

DH.

SANCTIONED

C. O.
31480
Rec'd
Reg 23 AUG 06

No. 2 of 1906.

PROCLAMATION BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS it is expedient that the provisions of Act No. 27 of 1895 of the Colony of the Cape of Good Hope should have effect in the Bechuanaland Protectorate:

NOW, THEREFORE, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:-

1. The provisions of Act No.27 of 1895 of the Colony of the Cape of Good Hope, commonly called "The Estates Administration Act, 1895" shall be in force and have effect within the limits of the Bechuanaland Protectorate.

2. The provisions of sections two and three of the Proclamation of the High Commissioner dated the 19th day of November 1891 shall mutatis mutandis apply for the purposes of the carrying out of the said Act within the said limits.

3. This Proclamation shall take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria this 12th day of May, One thousand nine hundred and six.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner,

C H Rodwell

Imperial Secretary.

Dlt.

C O
31481
Rec'd
Rel 25 AUG 06

No. 3 of 1906.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS it is expedient to provide for the due control and good Government of communities residing within the territory defined by the Barotziland-North Western Rhodesia Order in Council, 1899, hereinafter referred to as "the territory":

NOW THEREFORE under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:-

1. It shall be lawful for the Administrator from time to time to make, alter and amend such rules as may be required for the good government of such communities as are not subject to Municipal regulations or to other legislation for the government of the same, and such rules shall come into operation on the promulgation thereof and shall remain in operation unless and until disallowed by the High Commissioner.

2. In pursuance of the power conferred upon him by the preceding section the Administrator may make, alter and amend all such rules as may be required-

(a) for the preservation of the health of such communities;

(b) for the proper control and distribution of all streams and springs of water the use of which

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by such communities may be permitted;

(c) for the due management of such of the British South Africa Company's Reserves as such communities may be allowed to use, and for the regulation and protection of the privilege of pasturage thereon;

(d) for the provision of outspan places for travellers upon such British South Africa Company's Reserves;

(e) for requiring reasonable payment from such individuals or members of such communities as aforesaid as shall enjoy more largely or more beneficially than others such privilege as aforesaid;

(f) for impounding all cattle and other animals trespassing on such reserves as aforesaid;

(g) for the preservation of the natural beauties and of the timber and brushwood growing on the same;

(h) for the prevention and removal of nuisances within the limits of any tract described as aforesaid including the levying of fees for sanitary services;

(i) for the levying of rates for the supply of water and the improvement of roads, provided that prior to any rate being levied it shall be approved by the majority of the residents present at a public meeting called for the purpose, and

(k) for regulating the erection and removal of buildings.

And all moneys received under the powers of such rules shall be administered by such person as the Administrator may appoint for the common benefit of such communities aforesaid.

3. It shall be lawful in any rules made as aforesaid to provide that persons contravening the same may on conviction be sentenced by the Magistrate of the District to imprisonment with or without hard labour for any term not exceeding one month, or to pay a fine not exceeding five pounds sterling, and in default of payment thereof to such term of imprisonment with or without hard labour, and all fines so to be levied shall be paid into the revenue of the administration of the territory.

4. All rules which shall be made under the powers of this Proclamation, as well as all alterations and amendments of such rules shall be published in the Southern Rhodesia Government Gazette, and shall thereupon have the force of law for all purposes mentioned therein and allowed thereby.

5. It shall be lawful for the Administrator to appoint two or more residents in any village or community within the territory to be a Board for the purpose of carrying out the provisions of any rules made as aforesaid. The persons so appointed shall hold office for such period as the Administrator may think fit, and upon any vacancy arising by death, resignation, absence for a period exceeding one month, or removal from office by the Administrator for any cause by him deemed sufficient, the Administrator may appoint another person or other persons to supply any vacancy.

6. This Proclamation shall have force and take effect from the date of its publication in the Gazette

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 22nd day of May One thousand Nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary

NO. 4 of 1906.

C O.
37822
RECD
13 OCT 06

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS the Territory of Barotziland, North Western Rhodesia, forms part of the South African Customs Union, and it is therefore expedient that, upon public notification being made of an intention to increase the Customs duties payable within the said Union upon certain articles imported therein, such of the said articles as are in bond or imported should not be entered for consumption at the loower rate of duty without security being given for the payment of such increased duty as may be thereafter proclaimed in force within the said Territory within the period hereinafter set forth.

AND WHEREAS it is further expedient that in case the exaction of such increased duty in respect of any articles entered for consumption as aforesaid be agreed to and proclaimed by law as hereinafter set forth, the date of payment thereof shall relate back to and take effect from the date of public notification hereinafter referred to.

NOW, THEREFORE, under and by virtue of the powers in me vested I do hereby proclaim. declare and make known as follows:-

1. This Proclamation shall apply to the territory included within the limits of the Barotziland-North Western Rhodesia Order-in-Council, 1899.

2. When and as soon as notice shall have been given in the Legislative Council of Southern Rhodesia, whereby it shall be proposed to affirm the expediency of increasing the rate of Customs duty payable upon the importation into the said Territory of any goods, merchandise, matters or things mentioned or referred to in any such resolution the Customs Officers, at any of the Ports of Entry of the Territory to which this Proclamation applies, acting under instructions to that effect from the High Commissioner may refuse to permit any of the goods, merchandise, matters or things mentioned in any such resolution to be entered for consumption unless and until the person proposing to pay duty upon the same shall, together with a surety to be approved of by the Principal Officer of Customs at such Port of Entry, enter into a bond conditioned for the payment of such increased duty as may afterwards be imposed by Law as hereinafter set forth, and such bond shall in substance be in the form contained in the Schedule annexed to this Proclamation.

3. In case the High Commissioner shall by Proclamation duly published direct and appoint that the rate of Customs duty previously payable upon any article or articles mentioned or referred to in any such Notice shall be increased in accordance with the terms thereof,

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the Principal Officer of Customs at the Port of Entry aforesaid may call upon the person who entered for consumption any such article to pay the difference between the duty paid by him and the increased duty payable under the said Proclamation, and in case he shall refuse or neglect to do so, the said bond shall by the said Customs Officer be put in suit for recovery of the difference.

4. The right of requiring any such bond as is above referred to in Section 2 shall in no case endure longer than until the Ordinance sanctioning an amendment of the Customs tariff for Southern Rhodesia is promulgated: and such right may, by order of the High Commissioner, be terminated in case for any cause by him deemed sufficient he shall see fit to do so.

5. As often as the High Commissioner shall issue a Proclamation increasing the Customs duties on any article or articles imported into the Territory to which this Proclamation is applicable, the increase of the said duties shall relate back to and take effect from the date of notice of the resolution hereinbefore referred to.

6. In the event of the proposed increase of Customs duty not being duly sanctioned, the right of requiring such bonds as aforesaid to be entered into shall terminate.

7. This Proclamation shall take effect from the date of its publication in the Gazette.

GOD SAVE THE KING !

Given under my Hand and Seal at Johannesburg, this 22nd day of May 1906.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rochard

Imperial Secretary.

SANCTIONED

No. 5 of 1906.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to check the destruction of giraffe within the limits of the Bechuanaland Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

1. No person shall deal in or receive by way of barter pledge or otherwise the hides or tails of the giraffe without the permission in writing of the Resident Commissioner.

2. No person not being a member of one of the Native tribes of the Protectorate, shall be in possession of the hides or tails of the giraffe without the permission in writing of the Resident Commissioner, unless such giraffe shall have been lawfully killed by such person in accordance with the provisions of the Large Game Preservation Proclamation 1904 and the burden of proving any such fact shall in any Court be upon the accused.

3. Any person who shall contravene the provisions of this Proclamation shall be liable on conviction to a

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fine not exceeding fifty pounds, or, in default of payment to imprisonment with or without hard labour for a period not exceeding four months.

4. Any hides or tails of giraffe found in the possession of any person (not being a member of one of the Native tribes of the Protectorate), who is unable to produce on demand the Resident Commissioner's written permit for the same, may be seized and confiscated and destroyed or may be sold by order of the Resident Commissioner. The proceeds of any such sale shall be credited to the Revenue of the Bechuanaland Protectorate.

5. The word "person" in this Proclamation shall include any company whether incorporated or not and any person or partnership.

6. Any fine imposed on any company firm or partnership may be recovered by levying execution upon the goods and chattels on the premises belonging to or occupied by any such company firm or partnership.

7. This Proclamation shall be read as one with Proclamation No.22 of 1904 entitled "The Large Preservation Proclamation, 1904" and shall come into operation on the first day of July, 1906.

G O D S A V E T H E K I N G!

- GIVEN -

G I V E N under my hand and seal at Johannesburg this 29th day of May, One thousand Nine hundred and Six.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretary.

C O
37818
RECD
REGD 13 OCT 06

No.6 of 1906.

P R O C L A M A T I O N

SANCTIONED

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to make further provision for the due and effectual administration of justice within the territory defined by the Barotziland North-Western Rhodesia Order-in-Council 1899 hereinafter referred to as "the territory" by the establishment of a High Court therein:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. There shall be and there is hereby created established and constituted a Court of Record in the territory which shall be styled "The High Court of North-Western Rhodesia" and which shall have and exercise jurisdiction in all matters civil and criminal concurrently with the Administrator's Court constituted for the territory under Proclamation No.6 of 1905.

2. The said High Court shall consist of and be held by and before one or more members appointed by the High Commissioner who shall be called and known as Judges

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of the High Court of North-Western Rhodesia and the jurisdiction of the said High Court may be exercised by one Judge sitting alone.

3. The said High Court shall be held at such place or places and upon such days as may from time to time be prescribed by the Administrator.

4. It shall be lawful for the said Administrator's Court in any civil case pending or brought before such Court, either on the application of one or both parties, or of its own motion, to order the removal of such case to be heard and determined by the said High Court.

5. In the absence from the territory of all Judges of the said High Court, it shall be lawful for a Judge of the said Administrator's Court to make such interlocutory orders in any case pending in the High Court as might have been made by a Judge of the said High Court.

6. The members of the High Court may with the approval of the Administrator make rules for regulating its procedure and practice and for the admission of practitioners and subject thereto. Such rules shall remain in force unless and until disallowed by the High Commissioner and so far as the same do not extend, the procedure, rules and regulations of the High Court shall be as nearly as may be the same as the procedure, rules and regulations of the High Court of Justice in England.

7. All and several the provisions of Proclamation No.6 of 1905 in so far as they relate to the powers, rights and duties of the Administrator's Court shall, in so far as they are not repugnant to or inconsistent with the provisions of this Proclamation, apply mutatis mutandis to the said High Court.

G O D S A V E T H E K I N G!

GIVEN under my hand and seal at Bloemfontein, O.R.C. this nineteenth day of June, one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

SANCTIONED

C. O.
25606
Rec'd
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No. 7 of 1906

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER FOR SOUTH AFRICA.

WHEREAS it is necessary to correct certain errors in the Proclamation No.5 of 1906, providing against the destruction of giraffe in the Bechuanaland Protectorate,

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Section 5 of the Proclamation No.5 of 1906 shall be and is hereby amended by the substitution of the words 'firm or partnership' for the words 'person or partnership' in the said Section; and Section 7 of the aforesaid Proclamation shall be and is hereby amended by the insertion of the word 'Game' after the word 'Large' in the said Section.

G O D S A V E T H E K I N G!

- GIVEN -

GIVEN under my Hand and Seal at Bloemfontein, O.R.C

this thirteenth day of June, One thousand Nine hundred

and Six.

Selborne



High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 8 of 1906.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the Customs Law and Customs Tariff with regard to goods imported into the Territory of Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. From and after the date of the taking effect of this Proclamation the Colony of the Cape of Good Hope the Colony of Natal the Orange River Colony the Transvaal (including Swaziland) Southern Rhodesia Barotziland North-Western Rhodesia Basutoland and the Bechuanaland Protectorate shall constitute a South African Customs Union in terms of the Convention entered into between the said Colonies and Territories and from time to time thereafter the High Commissioner may in accordance with such Convention by further Proclamation declare the admission to the said Union of any other Colony State or Territory in South Africa having a civilised government.

2. On and after the date of the taking effect of this Proclamation except as is hereinafter provided there shall be raised levied and collected and paid upon goods wares and merchandise imported and brought into Basutoland described and set forth in Classes I. II. III. IV. and VI. of the Schedule hereunto annexed the duties therein set forth.

3. The goods wares and merchandise described and set forth in Class V. of the said Schedule shall be admitted into Basutoland free of duty.

4. The introduction of prison and penitentiary made goods into Basutoland is prohibited and any person contravening this section shall be liable to the penalties mentioned in section *thirteen* of this Proclamation and any such goods so imported shall be forfeited.

5. A rebate of Customs duties shall be granted on any goods and articles the growth produce or manufacture of the United Kingdom imported therefrom into Basutoland for consumption therein to the extent following:—

(*a*) In the case of goods and articles charged with Customs duty under Class I. the amount shown in the column indicating such rebate.

(*b*) In the case of goods and articles charged under Classes II. III. IV. and VI. three per cent *ad valorem* on such goods and articles.

Provided that the manufactured goods and articles in respect of which such rebate as aforesaid shall be granted shall be *bonâ fide* the manufactures of the United Kingdom and that in the event of any question arising as to whether any goods or articles are entitled to any such rebate as aforesaid the dicision of the executive officer having control of the Customs Department shall be final.

6. A rebate similar to that for which provision is made in the last preceding section shall be granted in like manner and under like provisions to goods and articles the growth produce or manufacture of any British Colony Protectorate or Possession granting equivalent reciprocal privileges to the Colonies and Territories parties to the Customs Union Convention; provided that no such rebate shall be granted in the case of any particular Colony Protectorate or Possession until on and after a date to be mutually agreed upon and publicly notified by the parties to the Convention.

7. Under such Regulations as he may prescribe in that behalf the High Commissioner may in accordance with the provisions of the Customs Union Convention by notice in the *Gazette*:—

(a) suspend the duty imposed on fresh chilled and frozen meat and on animals for slaughter; provided that on the re-imposition of such duties all stocks on hand shall be regarded as if in bond and liable to the duties then in force;

(b) grant a rebate of the whole or part of the duty on methylated spirits or alcohol imported into Basutoland solely for manufacturing or scientific purposes or for fuel or for export beyond the limits of Basutoland or which may have been destroyed by fire or other inevitable accident and on soap or other substances imported for and exclusively used in connection with the industry of woolwashing;

(c) allow either by free importation or rebate an abatement of the duties on articles imported by and for the use of members of His Majesty's regular forces and on wines and spirits for the use of the Resident Commissioner.

8. Whenever any goods upon which the duties have been paid in Basutoland shall be removed to and for consumption in any other Colony or Territory within the Customs Union there shall be payable to the Government of such Colony or Territory in the Union ninety-five per cent. of the Customs Union duties collected under this Proclamation on the said goods.

9. For the purposes of estimating the amount of Customs Duty whenever levied on goods *ad valorem* and of the declaration and oaths which may be at any time required by any Law or Regulation in relation to the question of such duty the current value of such goods shall be taken to be the true current value in the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturer or supplier in normal quantities including the cost of packing and packages but not including agent's commission if it does not exceed five per cent.; provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase and such value shall be declared by the importer and in the case of goods imported by parcels post the declaration of the sender or consignor shall be deemed to be a declaration made by the importer.

10. Any entry writing oath affirmation or declaration required to be made by any law relating to the Customs shall if made in any Colony or Territory in the South African Customs Union be binding and of full force and effect in any other portion of the Union.

11. Upon spirits manufactured or distilled within the South African Customs Union from the produce of the vine there shall be raised levied and collected and paid on importation into Basutoland duty at the rate of nine shillings per Imperial proof gallon.

12. The High Commissioner may from time to time make alter and repeal by notice in the *Gazette* Regulations for:

(a) the removal and conveyance to and across the borders of Basutoland of goods referred to in this Proclamation;

(b) the rebate or the suspension of the duties referred to in sections *five six* and *seven* of this Proclamation;

(c) the payment to any other Colony or Territory of its share of the Customs duties collected by the officers of Basutoland;

(d) the importation of spirits the produce of the vine;

(e) prescribing the functions and duties of all officers employed in carrying out this Proclamation and generally for the due and proper administration thereof.

13. Any person who:

(a) shall produce any false invoice;

(b) make any false representation in regard to the country in which any goods were grown produced or manufactured or in any other respect; or

(*c*) shall contravene any Regulation made under this Proclamation;

shall be liable to a fine not exceeding three hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months or to both such fine and such imprisonment and all goods in respect of which such false invoice shall be produced or false representations made and all goods removed or imported in contravention of any such Regulation and all vehicles and animals made use of in the removal or importation of such goods shall be forfeited.

14. This Proclamation shall take effect on the first day of July 1906 and Proclamation No. 10 of 1903 and so much of any other law as may be repugnant to or inconsistent with the provisions of this Proclamation shall be and are hereby repealed; provided that the tariff in respect of duties on galvanised and corrugated iron sheets wood (*a*) unmanufactured (*b*) ceiling and flooring boards planed tongued and grooved shall take effect on the first day of September 1906.

GOD SAVE THE KING.

Given under my Hand and Seal at Ladybrand Orange River Colony this Twenty-fourth day of June One thousand Nine hundred and Six.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

Schedule.

CUSTOMS UNION TARIFF.

Class I.—SPECIAL RATES.

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
1. Acetic Acid, per Imperial gallon.....	0 3 3	0 0 3
2. Ale, Beer, and Cider; all kinds of strength exceeding 3 per cent. of proof spirit, per Imperial gallon.....	0 2 0	0 0 1½
3. Animals:—		
(*a*) Cattle for slaughter, each	1 10 0	
(*b*) Sheep for slaughter, each	0 5 0	
(*c*) Mules and Geldings, each	1 0 0	
4. Beads, known as "Kaffir Beads," per lb.	0 0 6¼	0 0 0¼
5. Blasting Compounds, including all kinds of explosives suitable and intended for blasting, and not suitable for use in fire-arms; and collodion cotton not intended for manufacturing purposes, per lb.	0 0 2½	0 0 0½
6. Butter, butterine, margarine, ghee, and other substitutes for butter, per lb... ..	0 0 2¼	0 0 0¼
7. Candles, per 100 lbs	0 5 0	0 0 10
8. Cards, playing, per pack..... (and in addition 15 per cent *ad valorem.*)	0 0 6	3 % *ad val.*
9. Cement, per 400 lbs.....	0 1 3	0 0 3
10. Chicory and substitutes for Coffee or Chicory, including Chicory root, per lb.	0 0 2	
11. Clothing, second hand, for sale, per coat, vest, or trousers, each	0 2 0	
12. Coal and Patent Fuel, per ton of 2,000 lbs.	0 3 0	
13. Coke, per ton of 2,000 lbs.....	0 1 0	
14. Cocoa:—		

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
(*a*) Raw, per lb.	0 0 1	
(*b*) Ground or manufactured, unsweetened, per lb.	0 0 2	0 0 0½
(*c*) Cocoa and milk, chocolate and milk, coffee and milk, per lb.	0 0 2	0 0 0½
(*d*) Cocoa butter and cocoa paste, per lb.	0 0 2	0 0 0½
15. Coffee:—		
(*a*) Raw, per lb.	0 0 0¾	
(*b*) Roasted, ground, or mixed, per lb.	0 0 2	
16. Confectionery, including sweetened cocoa or chocolate, honey, jams, jellies, pudding and jelly powders, preserves, sweetmeats, candied or preserved ginger or chow-chow, and all other kinds compounded, made, or preserved with sugar, but not including purely medicinal preparations properly classed as apothecaryware, per lb.	0 0 2½	0 0 0¼
17. Corn and Grain:—		
(*a*) Wheat:—		
(1) In the grain, per 100 lbs.	0 1 2	0 0 2
(2) Ground or otherwise prepared, per 100 lbs.	0 2 6	0 0 3
(3) Bran, wheaten, per 100 lbs.	0 1 2	0 0 2
(*b*) Barley, buckwheat, Kaffir corn, maize, millet, oats, rye, beans and peas:—		
(1) In the grain, raw, or malted, per 100 lbs.	0 2 0	0 0 2
(2) Ground or otherwise prepared, including samp, per 100 lbs.	0 2 9	0 0 3
(*c*) Rice, per 100 lbs.	0 1 0	
Not including patent, proprietary, or other specially prepared foods for invalids or infants, or corn and grain prepared as vegetables.		
18. Dates, per lb.	0 0 0½	
19. Fish, not being of South African taking, per lb.	0 0 1¼	0 0 0¼
20. Fodder:—		
Chaff, hay, lucerne, oathay, oil-cake, and other fodder not otherwise described, per 100 lbs.	0 2 0	0 0 2
21. Fruits:—		
(*a*) Preserved, of all kinds, bottled, tinned, or otherwise preserved, including pulp and candied peel, per lb.	0 0 2¼	0 0 0¼
(*b*) Dried, of all kinds, including almonds and nuts, per lb.	0 0 2¼	0 0 0¼
22. Gunpowder and other explosives suitable for use in firearms, per lb.	0 0 6	
(and in addition 15 per cent *ad valorem*.)		3 % *ad valorem*.
23. Guns and Gun-barrels, fire-arms:—		
(*a*) Single, per barrel	1 0 0	
(*b*) Double and other, per barrel	0 15 0	
(and in either case in addition 15 per cent *ad valorem*.)		3 % *ad valorem*
24. Lard, including compound lard, cottolene, nuttose, and other similar substances for use as food, per lb.	0 0 1¼	0 0 0¼
25. Matches:—		
(*a*) Wooden; in boxes or packages of not more than 100 matches, per gross of boxes or packages	0 2 0	
In boxes containing more than 100, but not more than 200 matches, per gross of boxes or packages	0 4 0	
And for every 100 additional matches, in boxes or packages, per gross of 100 matches	0 2 0	
(*b*) Fusees, vestas, or wax matches, or other patent lights used as such: in boxes or packages containing not more than 50, per gross of boxes or packages	0 2 0	
In boxes or packages of more than 50, but not more than 100, per gross of boxes or packages	0 4 0	
And for every 50 additional in boxes or packages, per gross of 50 matches	0 2 0	
Match splints to be classed, and pay duty, as matches.		

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
26. Meats, fats, soups, and other similar substances used as food, but not including extracts and essences or tallow, per lb.	0 0 1¼	0 0 ¼
27. Milk, condensed, desiccated, or preserved milk or cream:—		
(*a*) Full cream, per 100 lbs.	0 5 2	0 1 0
(*b*) skimmed or separated, per lb.	0 0 6	
28. Oils, mineral: illuminating and burning, per Imperial gallon	0 0 1	
29. Onions and garlic, not preserved, per lb	0 0 ½	
30. Pickles, sauces, chillies, chutneys, and other condiments, per lb.	0 0 2½	0 0 ¼
31. Pills, imported in packages not for direct sale retail to the public, per lb.	1 0 0	
32. Pistols and Revolvers, each	0 5 0	
(and in addition 15 per cent *ad valorem*)		3 % *ad val.*
33. Potatoes, not preserved, per 100 lbs.	0 2 0	0 0 2
34. Soap, soap powders, and extracts, per 100 lbs.	0 4 9	0 0 7
(or 25 % *ad valorem*, whichever shall be the greater)		(or 3 % *ad val.* as the case may be).
35. Spices and Turmeric, per lb.	0 0 2¼	0 0 ¼
36. Spirits:—		
(*a*) Perfumed, per Imperial gallon	1 2 6	
(*b*) Liqueurs, cordials, and mixed spirits, exceeding 3 per cent of proof spirit, per Imperial gallon	1 0 0	
(*c*) Other sorts, exceeding 3 per cent of proof spirit, per Imperial proof gallon	0 19 0	
Note.—No allowance will be made for underproof in excess of 15 per cent.		
Note.—Medicinal and toilet preparations and essences (liquid) and syrups and tinctures containing over 3 per cent of proof spirit to be classed as spirits under item (*b*).		
37. Sugar:—		
(*a*) Candy, loaf, castor, icing, and cube, per 100 lbs.	0 5 0	
(*b*) Other kinds, including golden and maple syrup, molasses, saccharum, and treacle, per 100 lbs.	0 3 6	
(*c*) Saccharine and other sweetening substances in a concentrated form, per lb.	1 0 0	
Note.—In the case of sugar upon which bounties are granted in the country of origin, an additional duty equal to the amount of such bounty is to be levied.		
38. Tea, per lb.	0 0 4	
39. Tobacco:—		
(*a*) Cigars and cigarillos, per lb.	0 6 0	
(and in addition 15 per cent *ad valorem*)		
(*b*) Goorak, or gooracco, and hookah mixture, and all imitations or substitutes therefor or for tobacco, per lb.	0 6 0	
(*c*) Snuff, per lb.	0 4 0	
(*d*) Cigarettes, per lb.	0 4 6	
(and in addition 15 per cent *ad valorem*)		
(*e*) Manufactured, per lb.	0 4 0	
(*f*) Unmanufactured, per lb.	0 3 0	
40. Vinegar:—		
(*a*) Of standard strength, fit for immediate use as such (*i.e.*, requiring no more than 40 grains of bi-carbonate of potash to neutralise 1 oz. troy):		
(1) In bottles or other vessels of the capacity of not more than one Imperial quart, per Imperial gallon	0 1 1	0 0 1
(2) In larger vessels or in bulk, per Imperial gallon	0 0 7	0 0 1
(*b*) Concentrated extract or essence of greater strength than above, per Imperial gallon	0 3 3	0 0 3
41. Wine:—		
(*a*) Still wines, not exceeding 20 per cent of proof spirit, per Imperial gallon	0 4 0	
(*b*) Still wines, exceeding 20 per cent but not exceeding 50 per cent of proof spirit, per Imperial gallon	0 8 0	
(*c*) Sparkling wines, per Imperial gallon	0 12 6	
(and in addition 15 per cent *ad valorem* on all the above classes of wine)		

Note.—Wines containing less than 3 per cent of proof spirit are not included in the above, and wines containing more than 50 per cent of proof spirit are classed as spirits.

General Note:—24 reputed half-pints, 12 reputed pints, 6 reputed quarts, and 4 reputed Imperial quarts to be deemed to be not less than 1 gallon.

Tins, jars or other receptacles of reputed weight to be deemed to be not less than such weight.

Reputed 12 oz., 14 oz., and 16 oz. packets of candles to be deemed to be of those weights respectively.

Cement in packages of not less than 350 lbs., and not more than 400 lbs., to be deemed to be 400 lbs.

Packages of flour or wheaten meal containing not less than 90 lbs., and not more than 100 lbs. to be deemed to be 100 lbs.

Oils, mineral, illuminating, and burning, in ordinary reputed two 5 American gallon or ten 1 American gallon tins to be deemed to be not less than $8\frac{1}{3}$ Imperial gallons, and two 4 reputed Imperial gallon tins to be deemed to be not less than 8 Imperial gallons.

"Proof" means the strength of proof as ascertained by Sykes' hydrometer.

Class II.—MIXED RATES.

	£	s.	d.
42. Boots and Shoes, per £100	15	0	0
With a minimum per pair of—			
Men's	0	0	9
Women's	0	0	6
Children's	0	0	3
43. Printed matter:—			
(*a*) Advertising, including catalogues, price lists, almanacs, calendars, labels, posters, and show cards, per £100	25	0	0
Or 2d. per lb., whichever shall be the greater.			
(*b*) Account and cheque books, printed stationery and forms, company reports, scrip, share certificates and promissory notes, cards (Christmas, New Year, birthday, post, and pictorial), directories, guide books and hand-books relating to South Africa, and boxes, cardboard, and bags, paper, printed upon, per £100	25	0	0
44. Vehicles:—			
(*a*) Carriages, carts, coaches, and wagons, and finished parts thereof not elsewhere enumerated, per £100	25	0	0
(*b*) Second-hand carriages, carts, coaches, and wagons, per vehicle	10	0	0

And in addition 15 per cent *ad valorem*, but in no case shall the duty be less than 25 per cent *ad valorem*.

(Note.—Not including motor cars or cycles.)

3 per cent *ad valorem* will be rebated under Section 5 of this Proclamation.

Class III.—25 PER CENT *ad valorem*.

45. Beverages:—
(*a*) Waters: ærated, mineral and table.
(*b*) Fruit juices, cordials and syrups, not elsewhere enumerated.
(*c*) All other kinds not exceeding 3 per cent of proof spirit.
46. Biscuits, cakes, puddings and pastry.
47. Blankets and sheets, or rugs, cotton or woollen, or manufactures of cotton and wool commonly used as cotton or woollen blankets or rugs, and cotton quilts, the single article in pairs or in the piece; and coats, jackets or other apparel made of blanketing or baize, not elsewhere enumerated.
48. Bon-bons, surprise packets and crackers, and fancy confectionery.
49. Bricks, except bath.
50. Extracts and essences of all kinds for food, flavouring or perfumery, not elsewhere enumerated, including concentrated soup.
51. Fire-works of all descriptions.
52. Harness and saddlery, not including riding saddles.
53. Medicinal preparations, not elsewhere enumerated, other than pills imported in packages not for direct sale retail to the public, when prepared by any secret or occult art and recommended to the public under any general name or title as specifics for any diseases or affections whatsoever affecting the human or animal bodies.
54. Oils, essential or perfumed, including eucalyptus.
55. Perfumery, cosmetics, dyes, powders and other preparations for toilet use, not elsewhere enumerated.
56. Shawls and shawling, and loin cloths, whether in the piece or not.

Note.—3 per cent *ad valorem* will be rebated under Section 5 o this Proclamation.

Class IV.—3 PER CENT *ad valorem.*

57. Ambulance materials, imported by recognised associations, corps, or hospitals, lawfully established for instruction or drill in first aid to the wounded.
58. Ammonium: anhydrous, carbonate, chloride (sal-ammoniac) and nitrate: in bulk.
59. Asbestos packing and boiler compositions.
60. Assay apparatus and assay mabor.
61. Bands and belting of all kinds for driving machinery, boiler tubes, bolting cloth and mill silk.
62. Barytes and pumice: in bulk.
63. Battery cloth and baize, gauze, matting, sieving and screening, for use in connection with machinery and apparatus, including brattice cloth, but not including cocoanut matting.
64. Bolts, nuts, rivets, screws, nails and washers, and brass and iron tips and caps for boots and shoes.
65. Book-binders' requisites, consisting of boards, cloths, leather, marble paper, skin, thread, tape, vellum, webbing, wire, gold and silver leaf, parchment, imitation leather, binders' paper, and cardboard and linen board.
66. Bottles and jars of common glass or earthenware, and bottles ordinarily used for ærated waters: empty.
67. Brass and copper, and composition metal: in bars, ingots, plates and sheets; plain including perforated, but otherwise unmanufactured.
68. Calcium: carbonate, caustic, chloride, chlorate, bi-sulphite: in bulk.
69. Carbonic acid gas.
70. Cement, liquid, for tube mills.
71. Chains for hauling.
72. Chimneys: metal (smoke stacks).
73. Collodion cotton and glycerine and kieselguhr: in bulk for manufacturing purposes.
74. Confectioners' requisites, namely, glucose, moulding starch, gelatine, and unsweetened desiccated cocoanut: in bulk.
75. Corks and bungs, and cork wood unmanufactured.
76. Cranes, elevators and shears.
77. Crucibles, cupels, cupelling furnaces, graphite, ingot moulds, retorts and furnaces for roasting minerals.
78. Cyanide of potassium and of sodium; sulpho cyanide of potassium, sodium and calcium.
79. Disinfectants: in bulk, provided they are of a standard approved by the various Governments of the Union.
80. Emery: in bulk, emery cloth and paper, emery wheels.
81. Felt, rubberoid, uralite, and similar substances for building purposes.
82. Fire Clay and Terra Alba.
83. Fire escapes and fire extinguishing appliances and apparatus.
84. Fruits, fresh or green, including cocoanuts.
85. Glue: in bulk.
86. Gypsum (sulphate of lime or plaster of paris): in bulk.
87. Hair-cloth and springs for furniture.
88. Hops.
89. Hose: conveying.
90. Hubs, rims, spokes, felloes, shafts, tent bows and poles, cut or fashioned, not finished, except when for waggons and carts commonly used for the conveyance of goods.
91. India rubber, unmanufactured.
92. Iron and steel:—
    (*a*) Rough and rolled but otherwise unmanufactured.
    (*b*) Plain, perforated, galvanised and corrugated sheets.
    (*c*) Angle, bar, channel, hoop, rod, plate, H, T, and similar iron or steel, not perforated or put together or worked up in any way for structural or other purposes; not elsewhere enumerated.
93. Jacks, screw and hydraulic.
94. Launches, tugs and lighters; provided that when condemned or landed to be broken up duty shall be paid at the Customs on the hull and all fittings, according to the tariff that may then be in force.
95. Lead: bar, pipe, sheet, foil, and acetate of.
96. Leather: patent, enamelled, roan and morocco, and pig skin in the piece, and valve hide.
97. Lifts: power, including the gates.
98. Machinery:—
    (*a*) Machinery, apparatus, appliances and implements (not including material, vehicles, mechanics' tools, domestic machines, or harness) for agricultural, manufacturing, mining, book-binding, printing, and other industrial purposes.
    (*b*) Machinery, apparatus, appliances, implements and electrical material used in connection therewith, for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, but not including electroliers, hand lamps or fancy fittings.
99. Magnesium sulphate: in bulk.
100. Metal of all sorts in bars, blocks, ingots, and pigs for founding, not elsewhere described.
101. Metal shaft sets and rails, buckets, skips, trucks and tubs, wheeled or otherwise, for hauling on rails or wires.
102. Packing and lagging for engines, machinery, piping and buildings.
103. Paper: all plain paper in its original mill ream, wrapper or reels, not less in size than 16 inches by 15 inches, not including feint or ruled papers or blotting, brown, cartridge, drawing, manifold, packing or tissue papers.
104. Pipes, piping and tubes of all kinds for gas, steam, drainage, sewerage, irrigation, water supply or pumping, including cocks, meters and taps, but not including grids, manhole covers and fittings, surface boxes, down-piping and guttering.
105. Potassium and sodium: carbonate, bi-carbonate, caustic and silicate, chlorate, chloride, bichromate, permanganate, red and yellow prussiate of: in bulk.
106. Presses: wool, hay, straw and forage.
107. Printing, lithographic and ruling inks, roller composition and stamping colours and printers' bronze.

108. Railway construction or equipment requisites, as follows:—
Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge-work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trolleys, engine water-tanks, turn tables, permanent or fixed signals, weigh-bridges and railway lamps.
109. Resin: in bulk.
110. Saddle-trees.
111. School furniture and requisites: being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union to be for use in any school.
112. Sheep-dip, sheep-dipping powders, materials suitable only for dip and dipping tanks.
113. Slates for roofing.
114. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
115. Springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons.
116. Staves, not worked further than roughly fashioned.
117. Substances for destroying pests or diseases in stock, plants or trees, sulphate of copper, arsenic and arsenious acid, arseniate of soda: in bulk.
118. Tanks and vats, suitable and intended for mining purposes, and substructures for the same.
119. Telegraphs and telephones: materials and instruments for use in construction and working of telegraph and telephone lines.
120. Thread: boot and shoe makers', saddlers' and sailmakers', and seaming twine and binding twine and harvest yarn.
121. Tin and zinc: bar, plate or sheet: plain or perforated, but otherwise unmanufactured.
122. Traction engines, power lorries and trailers for the same, stone crushers, steam rollers and street sweeping machines.
123. Tramway construction and equipment requisites as follows:—
Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge-work, culvert tops, cars, trolleys, water-tanks, and turn tables.
124. Vegetables, fresh or green, but not including garlic, potatoes, or onions.
125 Water-boring and pumping apparatus, and pumps, not including beer pumps.
126. Wire and wire-netting for fencing: droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agricultural or railway fencing; and baling wire.
127. Wire for making mattrasses.
128. Wire rope.
129. Wood:—
(*a*) Unmanufactured.
(*b*) Ceiling and flooring boards: planed, tongued and grooved.
Note.—The whole of the duties upon this class will be rebated under Section 5 of this Proclamation.

Class V.—FREE.

130. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
131. All animals bred and articles grown, produced or manufactured within the Union, except:—
Spirits, beer, or blasting compounds, distilled or manufactured within the Union, in case of the imposition of a duty or the prohibition of manufacture for sale.
132. Animals living, not elsewhere enumerated.
133. Appointments and uniforms for the military, naval, volunteer or other (Imperial or Colonial) forces of His Majesty.
134. Atlases, charts, globes and maps.
135. Bags (not including paper bags) for flour, grain, manure, local manufactures, produce, sugar, wool, coal and minerals, and bagging and sacking in the piece.
136. Band instruments and stands, the *bonâ fide* property of any military, naval or volunteer corps, and not the property of individuals.
137. Bones, feathers, grass, ivory, hair, hoofs, horns, moss, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried or cleaned, but in their raw and unmanufactured state.
138. Books and music, printed, including newspapers and periodicals, not being foreign unauthorized prints of any British or South African copyright work, the importation of which is prohibited, not being advertising matter elsewhere enumerated.
139. Borax, bromine, litharge, manganese dioxide and quicksilver: in bulk.
140. Bottles and jars of common glass or earthenware, imported full of any article liable to a rated duty only.
141. Bullion (in the bar or sheet), coin, specie, bank notes and other paper currency.
142. Carriages, carts, wagons and other wheeled vehicles, the manufacture of South Africa, imported into the Union overland.
143. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
144. Coir, candle wick, cotton, flax, fibre, flock, hemp and jute: raw, waste or unmanufactured.

108. Railway construction or equipment requisites, as follows:—
Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge-work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trolleys, engine water-tanks, turn tables, permanent or fixed signals, weigh-bridges and railway lamps.
109. Resin: in bulk.
110. Saddle-trees.
111. School furniture and requisites: being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union to be for use in any school.
112. Sheep-dip, sheep-dipping powders, materials suitable only for dip and dipping tanks.
113. Slates for roofing.
114. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
115. Springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons.
116. Staves, not worked further than roughly fashioned.
117. Substances for destroying pests or diseases in stock, plants or trees, sulphate of copper, arsenic and arsenious acid, arseniate of soda: in bulk.
118. Tanks and vats, suitable and intended for mining purposes, and substructures for the same.
119. Telegraphs and telephones: materials and instruments for use in construction and working of telegraph and telephone lines.
120. Thread: boot and shoe makers', saddlers' and sailmakers', and seaming twine and binding twine and harvest yarn.
121. Tin and zinc: bar, plate or sheet: plain or perforated, but otherwise unmanufactured.
122. Traction engines, power lorries and trailers for the same, stone crushers, steam rollers and street sweeping machines.
123. Tramway construction and equipment requisites as follows:—
Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge-work, culvert tops, cars, trolleys, water-tanks, and turn tables.
124. Vegetables, fresh or green, but not including garlic, potatoes, or onions.
125 Water-boring and pumping apparatus, and pumps, not including beer pumps.
126. Wire and wire-netting for fencing: droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agricultural or railway fencing; and baling wire.
127. Wire for making mattrasses.
128. Wire rope.
129. Wood:—
(*a*) Unmanufactured.
(*b*) Ceiling and flooring boards: planed, tongued and grooved.
Note.—The whole of the duties upon this class will be rebated under Section 5 of this Proclamation.

Class V.—FREE.

130. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
131. All animals bred and articles grown, produced or manufactured within the Union, except:—
Spirits, beer, or blasting compounds, distilled or manufactured within the Union, in case of the imposition of a duty or the prohibition of manufacture for sale.
132. Animals living, not elsewhere enumerated.
133. Appointments and uniforms for the military, naval, volunteer or other (Imperial or Colonial) forces of His Majesty.
134. Atlases, charts, globes and maps.
135. Bags (not including paper bags) for flour, grain, manure, local manufactures, produce, sugar, wool, coal and minerals, and bagging and sacking in the piece.
136. Band instruments and stands, the *bonâ fide* property of any military, naval or volunteer corps, and not the property of individuals.
137. Bones, feathers, grass, ivory, hair, hoofs, horns, moss, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried or cleaned, but in their raw and unmanufactured state.
138. Books and music, printed, including newspapers and periodicals, not being foreign unauthorized prints of any British or South African copyright work, the importation of which is prohibited, not being advertising matter elsewhere enumerated.
139. Borax, bromine, litharge, manganese dioxide and quicksilver: in bulk.
140. Bottles and jars of common glass or earthenware, imported full of any article liable to a rated duty only.
141. Bullion (in the bar or sheet), coin, specie, bank notes and other paper currency.
142. Carriages, carts, wagons and other wheeled vehicles, the manufacture of South Africa, imported into the Union overland.
143. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
144. Coir, candle wick, cotton, flax, fibre, flock, hemp and jute: raw, waste or unmanufactured.

145. Consular uniforms and appointments, and printed official consular stationery.
146. Cork dust, paper shavings, sawdust, husks and other waste substances, intended and suitable for use only as packing material.
147. Cups, medals and other trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services, or rifle shooting by Imperial or Colonial forces or recognised rifle associations, not being for the purpose of advertisement: provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which presented.
148. Diagrams, designs, drawings, models and plans.
149. Diamonds and other gems, or precious stones, in their rough state.
150. Dye nuts, gambier, myrobalans, sumach, valonia, and dye-stuffs for leather; and alum.
151. Engravings, lithographs and photographs, not including enlargements or reproductions of photographs, and not being labels or advertisements elsewhere enumerated.
152. Fish fry and ova.
153. Fish: fresh, dried, cured, or salted of South African taking and raw oil from fish of South African taking.
154. Guano and other substances, animal, mineral or vegetable, artificial or natural, suitable for use as fertilisers or manures.
155. Ice.
156. Life boats, belts and buoys, and other life-saving apparatus imported by any recognised Society.
157. Marble in the rough or sawn.
158. Nitrates except nitrate of ammonium, for manufacturing purposes or for fertilizers: in bulk.
159. Oils: palm, palm kernel, cotton seed: in bulk.
160. Paintings, pictures, picture books and etchings, not being advertisements or labels elsewhere enumerated.
161. Platinum, chloride of.
162. Public Stores, imported or taken out of Bond by, and *bonâ fide* for the sole and exclusive use of, the Government of His Britannic Majesty, and of any Government belonging to the Union; provided that a certificate be delivered to the Customs authorities given under the hand of an officer approved by the Principal Officer of Customs, setting forth that any duty levied on such public stores would be borne directly by the Government; and provided further that no portion of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of or into consumption by any persons not legally entitled to import the same free of duty, without the consent of the Principal Officer of Customs and the payment of the duties to him by the officer so selling or disposing of such public stores at the rate leviable at the date of sale.
163. Rattans, cane and bamboo: unmanufactured.
164. Sculpture, being original works of art.
165. Seeds, bulbs, plants and tubers, for planting or sowing only, not including edible kinds or fodder.
166. Specimens illustrative of natural history and exhibits for public museums or scientific purposes, and antiquities for the same purposes.
167. Stone linings and pebbles for tube mills.
168. Sulphur: in bulk.
169. Sulphurous Anhydride.
170. Tallow.
171. Tobacco, the produce of South Africa, imported into the Union overland.
172. Vaccine, virus, toxin and serum.
173. Wax: viz.:—paraffin and stearine, and stearine grease, ordinarily used in the manufacture of candles or explosives.
174. Wood meal and wood pulp.

Class VI.—GENERAL *ad valorem* RATE 15 PER CENT.

175. All goods, wares, and merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of 15 % *ad valorem*.

NOTE:—3 % *ad valorem* will be rebated under Section 5 of this Proclamation.

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No. 9 of 1906.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the Customs Law and Customs Tariff with regard to goods imported into the Bechuanaland Protectorate;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. From and after the date of the taking effect of this Proclamation the Colony of the Cape of Good Hope the Colony of Natal the Orange River Colony the Transvaal (including Swaziland) Southern Rhodesia Barotziland North-Western Rhodesia Basutoland and the Bechuanaland Protectorate shall constitute a South African Customs Union in terms of the Convention entered into between the said Colonies and Territories and from time to time thereafter the High Commissioner may in accordance with such Convention by further Proclamation declare the admission to the said Union of any other Colony State or Territory in South Africa having a civilised government.

2. On and after the date of the taking effect of this Proclamation except as is hereinafter provided there shall be raised levied and collected and paid upon goods wares and merchandise imported and brought into the Bechuanaland Protectorate described and set forth in Classes I. II III. IV. and VI. of the Schedule hereunto annexed the duties therein set forth.

3. The goods wares and merchandise described and set forth in Class V. of the said Schedule shall be admitted into the Bechuanaland Protectorate free of duty.

4. The introduction of prison and penitentiary made goods into the Bechuanaland Protectorate is prohibited and any person contravening this Section shall be liable to the penalties mentioned in section *thirteen* of this Proclamation and any such goods so imported shall be forfeited.

5. A rebate of Customs duties shall be granted on any goods and articles the growth produce or manufacture of the United Kingdom imported therefrom into the Bechuanaland Protectorate for consumption therein to the extent following:—

(*a*) In the case of goods and articles charged with Customs duty under Class I. the amount shown in the column indicating such rebate.

(*b*) In the case of goods and articles charged under Classes II. III. IV. and VI. three per cent. *ad valorem* on such goods and articles.

Provided that the manufactured goods and articles in respect of which such rebate as aforesaid shall be granted shall be *bonâ fide* the manufactures of the United Kingdom and that in the event of any question arising as to whether any goods or articles are entitled to any such rebate as aforesaid the decision of the executive officer having control of the Customs Department shall be final.

6. A rebate similar to that for which provision is made in the last preceding section shall be granted in like manner and under like provisions to goods and articles the growth produce or manufacture of any British Colony Protectorate or Possession granting equivalent reciprocal privileges to the Colonies and Territories parties to the Customs Union Convention; provided that no such rebate shall be granted in the case of any particular Colony Protectorate or Possession until on and after a date to be mutually agreed upon and publicly notified by the parties to the Convention.

7. Under such Regulations as he may prescribe in that behalf the High Commissioner may in accordance with the provisions of the Customs Union Convention by notice in the *Gazette*:

(*a*) suspend the duty imposed on fresh chilled and frozen meat and on animals for slaughter; provided that on the re-imposition of such duties all stocks on hand shall be regarded as if in bond and liable to the duties then in force;

(*b*) grant a rebate of the whole or part of the duty on methylated spirits or alcohol imported into the Bechuanaland Protectorate solely for manufacturing or scientific purposes or for fuel or for export beyond the limits of the Bechuanaland Protectorate or which may have been destroyed by fire or other inevitable accident and on soap or other substances imported for and exclusively used in connection with the industry of wool-washing;

(*c*) allow either by free importation or rebate an abatement of the duties on articles imported by and for the use of members of His Majesty's regular forces and on wines and spirits for the use of the Resident Commissioner.

8. Whenever any goods upon which the duties have been paid in the Bechuanaland Protectorate shall be removed to and for consumption in any other Colony or Territory within the Customs Union there shall be payable to the Government of such Colony or Territory in the Union ninety-five per cent. of the Customs Union duties collected under this Proclamation on the said goods.

9. For the purposes of estimating the amount of Customs Duty whenever levied on goods *ad valorem* and of the declaration and oaths which may be at any time required by any Law or Regulation in relation to the question of such duty the current value of such goods shall be taken to be the true current value in

the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturer or supplier in normal quantities including the cost of packing and packages but not including agent's commission if it does not exceed five per cent.; provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase and such value shall be declared by the importer and in the case of goods imported by parcels post the declaration of the sender or consignor shall be deemed to be a declaration made by the importer.

10. Any entry writing oath affirmation or declaration required to be made by any law relating to the Customs shall if made in any Colony or Territory in the South African Customs Union be binding and of full force and effect in any other portion of the Union.

11. Upon spirits manufactured or distilled within the South African Customs Union from the produce of the vine there shall be raised levied and collected and paid on importation into the Bechuanaland Protectorate duty at the rate of nine shillings per Imperial proof gallon.

12. The High Commissioner may from time to time make alter and repeal by notice in the *Gazette* Regulations for:

(*a*) the removal and conveyance to and across the borders of the Bechuanaland Protectorate of goods referred to in this Proclamation;

(*b*) the rebate or suspension of the duties referred to in sections *five six* and *seven* of this Proclamation;

(*c*) the payment to any other Colony or Territory of its share of the Customs Duties collected by the Officers of the Bechuanaland Protectorate;

(*d*) the importation of spirits the produce of the vine;

(*e*) prescribing the functions and duties of all officers employed in carrying out this Proclamation and generally for the due and proper administration thereof.

13. Any person who:

(*a*) shall produce any false invoice;

(*b*) make any false representation in regard to the country in which any goods were grown produced or manufactured or in any other respect; or

(*c*) shall contravene any regulation made under this Proclamation;

shall be liable to a fine not exceeding three hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months or to both such fine and such imprisonment and all goods in respect of which such false invoice shall be produced or false representations made and all goods removed or imported in contravention of any such Regulation and all vehicles and animals made use of in the removal or importation of such goods shall be forfeited.

14. This Proclamation shall take effect on the first day of July 1906 and Proclamation No. 11 of 1903 and so much of any other law as may be repugnant to or inconsistent with the provisions of this Proclamation shall be and are hereby repealed; provided that the tariff in respect of duties on galvanised and corrugated iron sheets wood (*a*) unmanufactured (*b*) ceiling and flooring boards planed tongued and grooved shall take effect on the first day of September 1906.

GOD SAVE THE KING.

Given under my Hand and Seal at Ladybrand Orange River Colony this Twenty-fourth day of June One thousand Nine Hundred and Six.

Selborne
High Commissioner.

By Command of His Excellency the High Commissioner.

C. H. Rodwell
Imperial Secretary.

Schedule.

CUSTOMS UNION TARIFF.

Class I.—SPECIAL RATES.

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom & reciprocating British Colonies. £ s. d.
1. Acetic Acid, per Imperial gallon	0 3 3	0 0 3
2. Ale, Beer, and Cider; all kinds of strength exceeding 3 per cent. of proof spirit, per Imperial gallon	0 2 0	0 0 1½
3. Animals:—		
(*a*) Cattle for slaughter, each	1 10 0	
(*b*) Sheep for slaughter, each	0 5 0	
(*c*) Mules and Geldings, each	1 0 0	
4. Beads known as "Kaffir Beads," per lb.	0 0 6¼	0 0 0¼
5. Blasting Compounds, including all kinds of explosives suitable and intended for blasting, and not suitable for use in fire-arms; and collodion cotton not intended for manufacturing purposes, per lb	0 0 2½	0 0 0½
6. Butter, butterine, margarine, ghee, and other substitutes for butter, per lb.	0 0 2¼	0 0 0¼
7. Candles, per 100 lbs.	0 5 0	0 0 10
8. Cards, playing, per pack	0 0 6	
(and in addition 15 per cent. *ad valorem*)		3% *ad val.*
9. Cement, per 400 lbs.	0 1 3	0 0 3
10. Chicory and substitutes for Coffee or Chicory, including Chicory root, per lb.	0 0 2	
11. Clothing, second hand, for sale, per coat, vest, or trousers, each	0 2 0	
12. Coal and Patent Fuel, per ton of 2,000 lbs.	0 3 0	
13. Coke, per ton of 2,000 lbs.	0 1 0	
14 Cocoa:—		
(*a*) Raw, per lb.	0 0 1	
(*b*) Ground or manufactured, unsweetened, per lb.	0 0 2	0 0 0½
(*c*) Cocoa and milk, chocolate and milk, coffee and milk, per lb.	0 0 2	0 0 0½
(*d*) Cocoa butter and cocoa paste, per lb.	0 0 2	0 0 0½
15 Coffee:—		
(*a*) Raw, per lb.	0 0 0¾	
(*b*) Roasted, ground, or mixed, per lb.	0 0 2	
16. Confectionery, including sweetened cocoa or chocolate, honey, jams, jellies, pudding and jelly powders, preserves, sweetmeats, candied or preserved ginger or chow-chow, and all other kinds compounded, made, or preserved with sugar, but not including purely medicinal preparations properly classed as apothecaryware, per lb.	0 0 2½	0 0 0¼
17. Corn and Grain:—		
(*a*) Wheat:—		
(1) In the grain, per 100 lbs.	0 1 2	0 0 2
(2) Ground or otherwise prepared, per 100 lbs.	0 2 6	0 0 3
(3) Bran, wheaten, per 100 lbs	0 1 2	0 0 2
(*b*) Barley, buckwheat, Kaffir corn, maize, millet, oats, rye, beans and peas:—		
(1) In the grain, raw, or malted, per 100 lbs.	0 2 0	0 0 2
(2) Ground or otherwise prepared, including samp, per 100 lbs.	0 2 9	0 0 3
(*c*) Rice, per 100 lbs.	0 1 0	
Not including patent, proprietary, or other specially prepared foods for invalids or infants, or corn and grain prepared as vegetables.		
18. Dates, per lb.	0 0 0½	
19. Fish, not being of South African taking, per lb.	0 0 1¼	0 0 0¼
20. Fodder:—		
Chaff, hay, lucerne, oathay, oil-cake, and other fodder not otherwise described, per 100 lbs.	0 2 0	0 0 2
21. Fruits:—		
(*a*) Preserved, of all kinds, bottled, tinned, or otherwise preserved, including pulp and candied peel, per lb.	0 0 2¼	0 0 0¼
(*b*) Dried, of all kinds, including almonds and nuts, per lb.	0 0 2¼	0 0 0¼
22. Gunpowder and other explosives suitable for use in firearms, per lb.	0 0 6	
(and in addition 15 per cent. *ad valorem.*)		3% *ad valorem.*
23. Guns and Gun-barrels, firearms:—		
(*a*) Single, per barrel	1 0 0	
(*b*) Double and other, per barrel	0 15 0	
(and in either case in addition 15 per cent. *ad valorem.*)		3% *ad valorem.*
24. Lard, including compound lard, cottolene, nuttose, and other similar substances for use as food, per lb.	0 0 1¼	0 0 0¼

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom & reciprocating British Colonies. £ s. d.
25. Matches:—		
(*a*) Wooden; in boxes or packages of not more than 100 matches, per gross of boxes or packages	0 2 0	
In boxes containing more than 100, but not more than 200 matches, per gross of boxes or packages.....	0 4 0	
And for every 100 additional matches, in boxes or packages, per gross of 100 matches.....	0 2 0	
(*b*) Fusees, vestas, or wax matches, or other patent lights used as such: in boxes or packages containing not more than 50, per gross of boxes or packages.....	0 2 0	
In boxes or packages of more than 50, but not more than 100, per gross of boxes or packages.....	0 4 0	
And for every 50 additional in boxes or packages, per gross of 50 matches.....	0 2 0	
Match splints to be classed, and pay duty, as matches.		
26. Meats, fats, soups, and other similar substances used as food, but not including extracts and essences or tallow, per lb.....	0 0 1¼	0 0 0¼
27. Milk, condensed, desiccated, or preserved milk or cream:—		
(*a*) Full cream, per 100 lbs.	0 5 2	0 1 0
(*b*) skimmed or separated, per lb.	0 0 6	
28. Oils, mineral: illuminating and burning, per Imperial gallon	0 0 1	
29. Onions and garlic, not preserved, per lb.....	0 0 0½	
30. Pickles, sauces, chillies, chutneys, and other condiments, per lb	0 0 2¼	0 0 0¼
31. Pills, imported in packages, not for direct sale retail to the public, per lb.	1 0 0	
32. Pistols and Revolvers, each.....	0 5 0	
(and in addition 15 per cent. *ad valorem*)		3 % *ad val.*
33. Potatoes, not preserved, per 100 lbs.....	0 2 0	0 0 2
34. Soap, soap powders, and extracts, per 100 lbs	0 4 9	0 0 7
(or 25 % *ad valorem* whichever shall be the greater)		(or 3 % *ad val.* as the case may be).
35. Spices and Turmeric, per lb.	0 0 2¼	0 0 0 ¼
36. Spirits:—		
(*a*) Perfumed, per Imperial gallon	1 2 6	
(*b*) Liqueurs, cordials, and mixed spirits exceeding 3 per cent. of proof spirit, per Imperial gallon	1 0 0	
(*c*) Other sorts, exceeding 3 per cent. of proof spirit, per Imperial proof gallon	0 19 0	
Note.—No allowance will be made for underproof in excess of 15 per cent.		
Note.—Medicinal and toilet preparations and essences (liquid) and syrups and tinctures containing over 3 per cent. of proof spirits to be classed as spirits under item (*b*).		
37. Sugar:—		
(*a*) Candy, loaf, castor, icing, and cube, per 100 lbs.....	0 5 0	
(*b*) Other kinds, including golden and maple syrup, molasses, saccharum, and treacle, per 100 lbs.....	0 3 6	
(*c*) Saccharine and other sweetening substances in a concentrated form, per lb.....	1 0 0	
Note.—In the case of sugar upon which bounties are granted in the country of origin, an additional duty equal to the amount of such bounty is to be levied.		
38. Tea, per lb.....	0 0 4	
39. Tobacco:—		
(*a*) Cigars and cigarillos, per lb.....	0 6 0	
(and in addition 15 per cent. *ad valorem*)		
(*b*) Goorak, or gooracco, and hookah mixture, and all imitations or substitutes therefor or for tobacco, per lb.		
(*c*) Snuff, per lb.	0 6 0	
(*d*) Cigarettes, per lb.	0 4 0	
(and in addition 15 per cent. *ad valorem*)	0 4 6	
(*e*) Manufactured, per lb.		
(*f*) Unmanufactured, per lb.	0 4 0	
40. Vinegar:—	0 3 0	
(*a*) Of standard strength, fit for immediate use as such (*i.e.*, requiring no more than 40 grains of bi-carbonate of potash to neutralise 1 oz. troy):		
(1) In bottles or other vessels of the capacity of not more than one Imperial quart, per Imperial gallon.....	0 1 1	0 0 1
(2) In larger vessels or in bulk, per Imperial gallon.....	0 0 7	0 0 1
(*b*) Concentrated extract or essence of greater strength than above, per Imperial gallon...	0 3 3	0 0 3
41. Wine:—		
(*a*) Still wines, not exceeding 20 per cent. of proof spirit, per Imperial gallon...	0 4 0	
(*b*) Still wines, exceeding 20 per cent.. but not exceeding 50 per cent. of proof spirit, per Imperial gallon.....	0 8 0	
(*c*) Sparkling wines, per Imperial gallon (and in addition 15 per cent. *ad valorem* on all the above classes of wine)	0 12 6	
Note.—Wines containing less than 3 per cent. of proof spirit are not included in the above, and wines containing more than 50 per cent. of proof spirit are classed as spirits.		
General Note.—24 reputed half-pints, 12 reputed pints, 6 reputed quarts, and 4 reputed Imperial quarts to be deemed to be not less than one gallon.		
Tins, jars or other receptacles of reputed weight to be deemed to be not less than such weight.		
Reputed 12 oz., 14 oz., and 16 oz. packets of candles to be deemed to be of those weights respectively.		
Cement in packages of not less than 350 lbs., and not more than 400 lbs., to be deemed to be 400 lbs.		
Packages of flour or wheaten meal containing not less than 90 lbs. and not more than 100 lbs. to be deemed to be 100 lbs.		
Oils, mineral, illuminating, and burning, in ordinary reputed two 5 American gallon or ten 1 American gallon tins to be deemed to be not less than 8⅓ Imperial gallons, and two 4 reputed Imperial gallon tins to be deemed to be not less than 8 Imperial gallons.		
"Proof" means the strength of proof as ascertained by Sykes' hydrometer.		

Class II.—Mixed Rates.

	£ s. d.
42. Boots and Shoes, per £100.....	15 0 0
With a minimum per pair of—	
Men's	0 0 9
Women's.....	0 0 6
Children's	0 0 3
43. Printed matter—	
(*a*) Advertising, including catalogues, price lists, almanacs, calendars, labels, posters, and show cards, per £100 ...	25 0 0
Or 2d. per lb., whichever shall be the greater.	
(*b*) Account and cheque books, printed stationery and forms, company reports, scrip, share certificates and promissory notes, cards (Christmas, New Year, birthday, post, and pictorial), directories, guide books, and hand-books relating to South Africa, and boxes, cardboard, and bags, paper, printed upon, per £100.....	25 0 0
44. Vehicles:—	
(*a*) Carriages, carts, coaches, and wagons, and finished parts thereof not elsewhere enumerated, per £100 ...	25 0 0
(*b*) Second hand carriages, carts, coaches, and wagons, per vehicle	10 0 0
And in addition 15 per cent. *ad valorem*, but in no case shall the duty be less than 25 per cent. *ad valorem*.	
(Note.—Not including motor cars or cycles.)	
3 per cent. *ad valorem* will be rebated under Section 5 of this Proclamation.	

Class III.—25 per Cent. *ad valorem*.

45. Beverages:—
    (*a*) Waters: ærated, mineral and table.
    (*b*) Fruit juices, cordials and syrups, not elsewhere enumerated.
    (*c*) All other kinds not exceeding 3 per cent. of proof spirit.
46. Biscuits, cakes, puddings and pastry.
47. Blankets and sheets, or rugs, cotton or woollen, or manufactures of cotton and wool commonly used as cotton or woollen blankets or rugs, and cotton quilts, the single article in pairs or in the piece; and coats, jackets or other apparel made of blanketing or baize, not elsewhere enumerated.
48. Bon-bons, surprise packets and crackers, and fancy confectionery.
49. Bricks, except bath.
50. Extracts and essences of all kinds for food, flavouring or perfumery, not elsewhere enumerated, including concentrated soup.
51. Fire-works of all descriptions.
52. Harness and saddlery, not including riding saddles.

53. Medicinal preparations, not elsewhere enumerated, other than pills imported in packages not for direct sale retail to the public, when prepared by any secret or occult art and recommended to the public under any general name or title as specifics for any diseases or affections whatsoever affecting the human or animal bodies.
54. Oils, essential or perfumed, including eucalyptus.
55. Perfumery, cosmetics, dyes, powders and other preparations for toilet use, not elsewhere enumerated.
56. Shawls and shawling, and loin cloths, whether in the piece or not.
    Note.—3 per cent. *ad valorem* will be rebated under Section 5 of this Proclamation.

Class IV.—3 PER CENT. *ad valorem.*

57. Ambulance materials, imported by recognised associations, corps, or hospitals, lawfully established for instruction or drill in first aid to the wounded.
58. Ammonium : anhydrous, carbonate, chloride (sal-ammoniac) and nitrate: in bulk.
59. Asbestos packing and boiler compositions.
60. Assay apparatus and assay mabor.
61. Bands and belting of all kinds for driving machinery, boiler tubes, bolting cloth and mill silk.
62. Barytes and pumice : in bulk.
63. Battery cloth and baize, gauze, matting, sieving and screening, for use in connection with machinery and apparatus, including brattice cloth, but not including cocoanut matting.
64. Bolts, nuts, rivets, screws, nails and washers, and brass and iron tips and caps for boots and shoes.
65. Book-binders' requisites, consisting of boards, cloths, leather, marble paper, skin, thread, tape, vellum, webbing, wire, gold and silver leaf, parchment, imitation leather, binders' paper, and cardboard and linen board.
66. Bottles and jars of common glass or earthenware, and bottles ordinarily used for ærated waters : empty.
67. Brass and copper, and composition metal : in bars, ingots, plates and sheets ; plain including perforated, but otherwise unmanufactured.
68. Calcium : carbonate, caustic, chloride, chlorate, bi-sulphite : in bulk.
69. Carbonic acid gas.
70. Cement, liquid, for tube mills.
71. Chains for hauling.
72. Chimneys: metal (smoke stacks).
73. Collodion cotton and glycerine and kieselguhr: in bulk for manufacturing purposes.
74. Confectioners' requisites, namely glucose, moulding starch, gelatine, and unsweetened desiccated cocoanut: in bulk.
75. Corks and bungs, and cork wood unmanufactured.
76. Cranes, elevators and shears.
77. Crucibles, cupels, cupelling furnaces, graphite, ingot moulds, retorts and furnaces for roasting minerals.
78. Cyanide of potassium and of sodium; sulpho cyanide of potassium, sodium and calcium.
79. Disinfectants: in bulk, provided they are of a standard approved by the various Governments of the Union.
80. Emery: in bulk, emery cloth and paper, emery wheels.
81. Felt, rubberoid, uralite, and similar substances for building purposes.
82. Fire Clay and Terra Alba.
83. Fire escapes and fire extinguishing appliances and apparatus.
84. Fruits, fresh or green, including cocoanuts.
85. Glue : in bulk.
86. Gypsum (sulphite of lime or plaster of paris) : in bulk.
87. Hair-cloth and springs for furniture.
88. Hops.
89. Hose : conveying.
90. Hubs, rims, spokes, felloes, shafts, tent bows and poles, cut or fashioned, not finished, except when for wagons and carts commonly used for the conveyance of goods.
91. India rubber, unmanufactured.
92. Iron and steel :—
    (*a*) Rough and rolled but otherwise unmanufactured.
    (*b*) Plain, perforated, galvanised and corrugated sheets.
    (*c*) Angle, bar, channel, hoop, rod, plate, H, T, and similar iron or steel, not perforated or put together or worked up in any way for structural or other purposes ; not elsewhere enumerated.
93. Jacks, screw and hydraulic.
94. Launches, tugs and lighters ; provided that when condemned or landed to be broken up duty shall be paid at the Customs on the hull and all fittings, according to the tariff that may then be in force.
95. Lead : bar, pipe, sheet, foil, and acetate of.
96. Leather : patent, enamelled, roan and morocco, and pig skin in the piece, and valve hide.
97. Lifts : power, including the gates.
98. Machinery :—
    (*a*) Machinery, apparatus, appliances and implements (not including material, vehicles, mechanics' tools, domestic machines, or harness) for agricultural, manufacturing, mining, book-binding, printing, and other industrial purposes.
    (*b*) Machinery, apparatus, appliances, implements and electrical material used in connection therewith, for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, but not including electroliers, hand lamps or fancy fittings.
99. Magnesium sulphate : in bulk.
100. Metal of all sorts in bars, blocks, ingots, and pigs for founding, not elsewhere described.
101. Metal shaft sets and rails, buckets, skips, trucks and tubs, wheeled or otherwise, for hauling on rails or wires.
102. Packing and lagging for engines, machinery, piping and buildings.
103. Paper : all plain paper in its original mill ream, wrapper or reels, not less in size than 16 inches by 15 inches, not including feint or ruled papers or blotting, brown, cartridge, drawing, manifold, packing or tissue papers.
104. Pipes, piping and tubes of all kinds for gas, steam, drainage, sewerage, irrigation, water supply or pumping, including cocks, meters and taps, but not including grids, manhole covers and fittings, surface boxes, down-piping and guttering.
105. Potassium and sodium : carbonate, bi-carbonate, caustic and silicate, chlorate, chloride, bichromate, permanganate, red and yellow prussiate of : in bulk.
106. Presses : wool, hay, straw and forage.
107. Printing, lithographic and ruling inks, roller composition and stamping colours and printers' bronze.
108. Railway construction or equipment requisites, as follows :—
    Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge-work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trolleys, engine water-tanks, turn tables, permanent or fixed signals, weigh-bridges and railway lamps.
109. Resin : in bulk.
110. Saddle-trees.
111. School furniture and requisites : being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union to be for use in any school.
112. Sheep-dip, sheep-dipping powders, materials suitable only for dip and dipping tanks.
113. Slates for roofing.
114. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
115. Springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons.
116. Staves, not worked further than roughly fashioned.
117. Substances for destroying pests or diseases in stock, plants or trees, sulphate of copper, arsenic and arsenious acid, arseniate of soda : in bulk.
118. Tanks and vats, suitable and intended for mining purposes, and substructures for the same.
119. Telegraphs and telephones : materials and instruments for use in construction and working of telegraph and telephone lines.
120. Thread : boot and shoemakers', saddlers' and sailmakers', and seaming twine and binding twine and harvest yarn.
121. Tin and zinc : bar, plate or sheet : plain or perforated, but otherwise unmanufactured.
122. Traction engines, power lorries and trailers for the same, stone crushers, steam rollers and street sweeping machines.
123. Tramway construction and equipment requisites as follows :—
    Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge-work, culvert tops, cars, trolleys, water-tanks, and turn tables.
124. Vegetables, fresh or green, but not including garlic, potatoes, or onions.
125. Water-boring and pumping apparatus, and pumps, not including beer pumps.
126. Wire and wire-netting for fencing : droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agricultural or railway fencing ; and baling wire.
127. Wire for making mattrasses.
128. Wire rope.
129. Wood :—
    (*a*) Unmanufactured.
    (*b*) Ceiling and flooring boards : planed, tongued and grooved.
    Note.—The whole of the duties upon this class will be rebated under Section 5 of this Proclamation.

Class V.—FREE.

130. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
131. All animals bred and articles grown, produced or manufactured within the Union, except:—
    Spirits, beer, or blasting compounds distilled or manufactured within the Union, in case of the imposition of a duty or the prohibition of manufacture for sale.
132. Animals living, not elsewhere enumerated.
133. Appointments and uniforms for the military, naval, volunteer or other (Imperial or Colonial) forces of His Majesty.
134. Atlases, charts, globes and maps.
135. Bags (not including paper bags) for flour, grain, manure, local manufactures, produce, sugar, wool, coal and minerals, and bagging and sacking in the piece.
136. Band instruments and stands, the *bonâ fide* property of any military, naval or volunteer corps, and not the property of individuals.
137. Bones, feathers, grass, ivory, hair, hoofs, horns, moss, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried or cleaned, but in their raw or unmanufactured state.
138. Books and music, printed, including newspapers and periodicals, not being foreign unauthorised prints of any British or South African copyright work, the importation of which is prohibited, not being advertising matter elsewhere enumerated.
139. Borax, bromine, litharge, manganese dioxide and quicksilver : in bulk.
140. Bottles and jars of common glass or earthenware, imported full of any article liable to a rated duty only.
141. Bullion (in the bar or sheet), coin, specie, bank notes and other paper currency.
142. Carriages, carts, wagons and other wheeled vehicles, the manufacture of South Africa, imported into the Union overland.
143. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
144. Coir, candle wick, cotton, flax, fibre, flock, hemp and jute : raw, waste or unmanufactured.
145. Consular uniforms and appointments, and printed official consular stationery.
146. Cork dust, paper shavings, sawdust, husks and other waste substances, intended and suitable for use only as packing material.
147. Cups, medals and other trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services, or rifle shooting by Imperial or Colonial forces or recognised rifle associations, not being for the purpose of advertisement : provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which presented.
148. Diagrams, designs, drawings, models and plans.
149. Diamonds and other gems, or precious stones, in their rough state.
150. Dye nuts, gambier, myrobalans, sumach, valonia, and dye-stuffs for leather ; and alum.
151. Engravings, lithographs and photographs, not including enlargements or reproductions of photographs, and not being labels or advertisements elsewhere enumerated.
152. Fish fry and ova.
153. Fish : fresh, dried, cured, or salted of South African taking and raw oil from fish of South African taking.

154. Guano and other substances, animal, mineral or vegetable, artificial or natural, suitable for use as fertilisers or manures.
155. Ice.
156. Life boats, belts and buoys, and other life-saving apparatus imported by any recognised Society.
157. Marble in the rough or sawn.
158. Nitrates except nitrate of ammonium, for manufacturing purposes or for fertilizers : in bulk.
159. Oils . palm, palm kernel, cotton seed : in bulk.
160. Paintings, pictures, picture books and etchings, not being advertisements or labels elsewhere enumerated.
161. Platinum, chloride of.
162. Public Stores, imported or taken out of Bond by, and *bonâ fide* for the sole and exclusive use of, the Government of His Britannic Majesty, and of any Government belonging to the Union, provided that a certificate be delivered to the Customs authorities given under the hand of an officer approved by the Principal Officer of Customs, setting forth that any duty levied on such public stores would be borne directly by the Government : and provided further that no portion of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of or into consumption by any persons not legally entitled to import the same free of duty, without the consent of the Principal Officer of Customs and the payment of the duties to him by the officer so selling or disposing of such public stores at the rate leviable at the date of sale.
163. Rattans, cane and bamboo : unmanufactured.
164. Sculpture, being original works of art.
165. Seeds, bulbs, plants and tubers, for planting or sowing only, not including edible kinds or fodder.
166. Specimens illustrative of natural history and exhibits for public museums or scientific purposes, and antiquities for the same purposes.
167. Stone linings and pebbles for tube mills.
168. Sulphur : in bulk.
169. Sulphurous Anhydride.
170. Tallow.
171. Tobacco, the produce of South Africa, imported into the Union overland.
172. Vaccine, virus, toxin and serum.
173. Wax : viz. :—paraffin and stearine, and stearine grease, ordinarily used in the manufacture of candles or explosives.
174. Wood meal and wood pulp.

Class VI.—GENERAL *ad valorem* RATE 15 PER CENT.

175. All goods, wares, and merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of 15% *ad valorem*.

Note.—3 per cent. *ad valorem* will be rebated under Section 5 of this Proclamation.

SANCTIONED.

No. 10 of 1906.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS the South African Customs Union Convention of 1906 together with the protocols and schedules thereto as set forth in the schedule hereunto annexed and hereinafter called "the Convention" was assented to on behalf of the Barotziland—North-Western Rhodesia Administration on the seventeenth day of May 1906;

And whereas it is expedient to amend in certain respects the laws relating to Customs duties within the territory defined by the Barotziland North-Western Rhodesia Order in Council 1899 hereinafter referred to as "the Territory";

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. This Proclamation may be cited for all purposes as the "Customs Union and Tariff (Barotziland) Proclamation 1906" and shall take effect on the first day of July 1906 provided that the tariff in respect of duties on galvanised and corrugated iron sheets wood (*a*) unmanufactured (*b*) ceiling and flooring boards planed tongued and grooved shall take effect on the first day of September 1906.

2. Sections *one two five* to *fifteen* inclusive and *seventeen* of the "Customs Proclamation (Barotziland) 1905" and any other laws repugnant to or inconsistent with the provisions of this Proclamation shall be and are hereby repealed except as to acts done offences committed penalties incurred or proceedings instituted before the taking effect hereof.

3. Upon goods imported into the Territory there shall subject to provisions hereinafter contained be raised levied collected and paid the respective duties set forth in Classes I. II. III. IV. and VI. of Article II. of the Convention.

4. The goods set out in Class V. of the said Article II. of the Convention shall subject to the provisions of section *eighteen* of Proclamation No. 20 of 1905 be admitted into the Territory free of duty.

5. A rebate on Customs duties shall be granted on any goods the growth produce or manufacture of the United Kingdom imported therefrom into the territory for consumption therein to the extent set out in Article III. of the Convention; provided that the manufactured goods in respect of which such rebate shall be granted shall be *bonâ fide* the manufactures of the United Kingdom and that in the event of any question arising as to whether any goods or articles are entitled to such rebate as aforesaid the decision of the Administrator shall be final.

6. A rebate similar to that for which provision is made in section *five* shall be granted *mutatis mutandis* in a like manner and to a like extent and under similar provisions of any duty payable upon goods imported into the territory being the growth produce or manufacture of the Dominion of Canada any other British Colony Protectorate or Possession granting a like rebate or equivalent privilege to the colonies and territories within the Customs Union; provided that such rebate shall not be granted to any such Colony Protectorate or Possession until and after a date to be mutually agreed upon by the parties to the Customs Union.

7. A further rebate of Customs duties shall be granted under similar provisions upon all goods the produce growth and manufacture of the United Kingdom or of any British Possession equal in amount to the difference between the duties imposed by section *three* (as modified by sections *five* and *six*) of this Proclamation and the highest duties which it is permissible to this Territory to impose under section *fifteen* of the Barotziland—North-Western Rhodesia Order in Council 1899.

8. Whenever any duty-paid goods shall be removed from the Territory to any other Colony or Territory within the Customs Union there shall be payable to the Government of such other Colony or Territory into which such goods shall be removed for consumption the duties collected by it on such goods subject to a deduction of 5 per cent. of the duty collected.

9. Under such regulations as he may approve on that behalf the High Commissioner may in accordance with the provisions of the Customs Union Convention by notice in the *Gazette*:—

(1) suspend the duty imposed upon fresh chilled and frozen meat and on animals for slaughter;

(2) suspend in whole or part the duties imposed upon the articles mentioned in Schedule E to the Convention;

(3) grant a rebate of the whole or part of the duty on methylated spirits or alcohol imported solely for manufacturing or scientific purposes or for fuel and on soap or other substances imported for and exclusively used in connection with the industry of wool-washing;

(4) grant a rebate of the whole or part of the duty upon goods intended for consumption in places outside the Union;

(5) allow either by free importation or rebate an abatement of the duties on goods imported by and for the use of members of His Majesty's Regular Forces and on wines and spirits for the use of the Administrator;

Provided always that any Regulations made and promulgated under section *twenty-six* of the Customs Proclamation (Barotziland) 1905 relating to the suspension and rebate of duties referred to in such Proclamation shall until Regulations shall have been made and promulgated under this Proclamation be deemed to refer to the suspension and rebatement of duties leviable under this Proclamation.

10. No goods upon which a rebate or suspension of duty has been granted wholly or in part shall be removed to any other Colony or Territory within the Customs

Union for consumption therein until the amount of the duty rebated or suspended shall have been paid thereon and until the Regulations controlling and governing such removals shall have been complied with.

11. With the authority of the proper Officer of Customs and subject to such Regulations which may be made goods imported into the Territory may without payment of duty before removal be removed under bond into any Colony or Territory within the Customs Union.

12. Except as in this Proclamation provided and except in cases of duty paid in excess or in error no rebate or refund of any sum in respect of any dutiable goods shall be allowed or granted except by consent of the other parties to the Customs Union.

13. The importation of prison or penitentiary made goods second-hand clothing for sale condensed desiccated or preserved milk which has been skimmed or separated and opium except for medicinal purpose and under such Regulations as may be framed by th Administrator is prohibited provided that should the importation of any of the above-mentioned goods be allowed into any other Colony or Territory within the Customs Union such goods shall be allowed to pass through the Territory to any such other Colony or Territory after due payment of the Customs duty if any payable thereon on importation into such other Colony or Territory.

GOD SAVE THE KING.

Given under my Hand and Seal at Ladybrand Orange River Colony this Twenty-fourth day of June One thousand Nine hundred and Six.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C. H. Rodwell

Imperial Secretary.

CUSTOMS UNION CONVENTION.

His Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of the Colony of Natal, His Excellency the Governor of the Orange River Colony and the Transvaal, and His Honour the Administrator of Southern Rhodesia, mutually on behalf of their respective Governments, admitting that each Colony and Territory is entitled to the Customs Duties collected on goods imported for consumption therein through any of the said Colonies or Territory, and that it is desirable that there should be a general Customs Union between all the Colonies and Territories of South Africa, have agreed on behalf of their respective Governments upon the following articles :—

ARTICLE I.

The Customs Union Convention entered into in the year 1903 shall be superseded by this present Convention ; provided however :—

(*a*) That the supersession of the said Convention shall not affect the validity of the Schedules thereto whereby Basutoland, the Bechuanaland Protectorate, Swaziland, and Barotzeland (North Western Rhodesia) were admitted to the Customs Union, which Schedules as altered by the said Convention are to be regarded as embodied herein, and which are for reference set forth as Schedules A, B, C, and D hereto, this Convention and its corresponding Articles being deemed to be in the said Schedules referred to in place of the superseded Convention and its Articles of similar import.

(*b*) That whenever in either of the said Schedules mutual agreement or joint assent is required, the agreement or assent of the Governments of the Cape Colony, Natal, the Orange River Colony, the Transvaal, and Southern Rhodesia shall be deemed to be necessary.

(*c*) That the Convention of 1903, entered into as aforesaid, together with the Schedules thereto, shall, as between all the parties thereto, continue to be of binding force and effect, until a date not later than the 30th June, 1906.

(*d*) That all the accounts or other matters outstanding between any parties to the said Convention, shall, notwithstanding its supersession by this present Convention, be settled and determined under the aforesaid Convention, together with the Schedules thereto.

(*e*) That this Convention shall on a date to be mutually agreed upon be laid before the Legislatures of the Colonies and Territory being parties thereto for ratification and approval. In the event of the Legislature of any such Colony or Territory failing to ratify this Convention it shall be open to the other parties thereto to maintain the Convention in full force and effect as between themselves notwithstanding the retirement of such party as aforesaid.

ARTICLE II.

The following and none other shall, subject to the provisions of any subsequent Article of this Convention, be the Customs Duties upon goods imported into any place within the Union, and the Government of each Colony or Territory within the Union shall levy and collect within its jurisdiction the said Duties upon all goods so imported from outside the limits of the Union :—

CUSTOMS UNION TARIFF.

Class I.—Special Rates.

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
1. Acetic Acid, per Imperial gallon.	0 3 3	0 0 3
2. Ale, Beer, and Cider; all kinds of strength exceeding 3 per cent. of proof spirit, per Imperial gallon. (Note.—*Vide* Article 16.)	0 2 0	0 0 1½
3. Animals :—		
(*a*) Cattle for slaughter, each.	1 10 0	
(*b*) Sheep for slaughter, each.	0 5 0	
(*c*) Mules and Geldings, each.	1 0 0	
(Note.—*Vide* Article 12.)		
4. Beads, known as "Kaffir Beads," per lb.	0 0 6¼	0 0 0¼
5. Blasting Compounds, including all kinds of explosives suitable and intended for blasting, and not suitable for use in fire-arms; and collodion cotton not intended for manufacturing purposes, per lb. (Note.—*Vide* Article 16.)	0 0 2½	0 0 0½
6. Butter, butterine, margarine, ghee, and other substitutes for butter, per lb.	0 0 2¼	0 0 0¼
7. Candles, per 100 lbs.	0 5 0	0 0 10
8. Cards, playing, per pack (and in addition 15 per cent. *ad valorem*.)	0 0 6	3% *ad valorem*
9. Cement, per 400 lbs.	0 1 3	0 0 3
10. Chicory and substitutes for Coffee or Chicory, including chicory root, per lb.	0 0 2	
11. Clothing, second hand, for sale, per coat, vest, or trousers, each.	0 2 0	
12. Coal and Patent Fuel, per ton of 2,000 lbs.	0 3 0	
13. Coke, per ton of 2,000 lbs.	0 1 0	
14. Cocoa :—		
(*a*) Raw, per lb.	0 0 1	
(*b*) Ground or manufactured, unsweetened, per lb.	0 0 2	0 0 0½
(*c*) Cocoa and milk, chocolate and milk, coffee and milk, per lb.	0 0 2	0 0 0½
(*d*) Cocoa butter and cocoa paste, per lb.	0 0 2	0 0 0½
15. Coffee :—		
(*a*) Raw, per lb.	0 0 0¾	
(*b*) Roasted, ground, or mixed, per lb.	0 0 2	
16. Confectionery, including sweetened cocoa or chocolate, honey, jams, jellies, pudding and jelly powders, preserves, sweetmeats, candied or preserved ginger or chow-chow, and all other kinds compounded, made, or preserved with sugar, but not including purely medicinal preparations properly classed as apothecaryware, per lb.	0 0 2½	0 0 0¼
17. Corn and Grain :—		
(*a*) Wheat :—		
(1) In the grain, per 100 lbs	0 1 2	0 0 2
(2) Ground or otherwise prepared, per 100 lbs.	0 2 6	0 0 3
(3) Bran, wheaten, per 100 lbs.	0 1 2	0 0 2
(*b*) Barley, buckwheat, Kaffir corn, maize, millet, oats, rye, beans, and peas :—		
(1) In the grain, raw, or malted, per 100 lbs.	0 2 0	0 0 2
(2) Ground or otherwise prepared, including Samp, per 100 lbs.	0 2 9	0 0 3
(*c*) Rice, per 100 lbs.	0 1 0	
Not including patent, proprietary, or other specially prepared foods for invalids or infants, or corn and grain prepared as vegetables.		
18. Dates, per lb.	0 0 0½	
19. Fish, not being of South African taking, per lb.	0 0 1¼	0 0 0¼
20. Fodder :—		
Chaff, hay, lucerne, oathay, oil-cake, and other fodder not otherwise described, per 100 lbs.	0 2 0	0 0 2
21. Fruits :—		
(*a*) Preserved, of all kinds, bottled, tinned, or otherwise preserved, including pulp and candied peel, per lb.	0 0 2¼	0 0 0¼
(*b*) Dried, of all kinds, including almonds and nuts, per lb.	0 0 2¼	0 0 0¼
22. Gunpowder and other explosives suitable for use in fire-arms, per lb. (and in addition 15 per cent. *ad valorem*.)	0 0 6	3% *ad valorem*.

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
23. Guns and Gun-barrels, fire-arms :—		
(*a*) Single, per barrel.	1 0 0	
(*b*) Double and other, per barrel	0 15 0	
(and in either case in addition 15 per cent. *ad valorem*).		3 % *ad valorem.*
24. Lard, including compound lard, cottolene, nuttose, and other similar substances for use as food, per lb.	0 0 1¼	0 0 0¼
25. Matches :—		
(*a*) Wooden ; in boxes or packages of not more than 100 matches, per gross of boxes or packages	0 2 0	
In boxes containing more than 100, but not more than 200 matches, per gross of boxes or packages	0 4 0	
And for every 100 additional matches, in boxes or packages, per gross of 100 matches	0 2 0	
(*b*) Fusees, vestas, or wax matches, or other patent lights used as such : in boxes or packages containing not more than 50, per gross of boxes or packages	0 2 0	
In boxes or packages of more than 50, but not more than 100, per gross of boxes or packages	0 4 0	
And for every 50 additional in boxes or packages, per gross of 50 matches	0 2 0	
Match splints to be classed, and pay duty, as matches.		
26. Meats, fats, soups, and other similar substances used as food, but not including extracts and essences or tallow, per lb.	0 0 1¼	0 0 0¼
27. Milk, condensed, desiccated, or preserved milk or cream :—		
(*a*) Full cream, per 100 lbs.	0 5 2	0 1 0
(*b*) Skimmed or separated, per lb.	0 0 6	
28. Oils, mineral : illuminating, and burning, per Imperial gallon.	0 0 1	
29. Onions and garlic, not preserved, per lb.	0 0 0½	
30. Pickles, sauces, chillies, chutneys, and other condiments, per lb.	0 0 2¼	0 0 0¼
31. Pills, imported in packages not for direct sale retail to the public, per lb.	1 0 0	
32. Pistols and Revolvers, each	0 5 0	
(and in addition 15 per cent. *ad valorem*)		3 % *ad valorem.*
33. Potatoes, not preserved, per 100 lbs.	0 2 0	0 0 2
34. Soap, soap powders, and extracts, per 100 lbs.	0 4 9	0 0 7
(or 25 % *ad valorem*, whichever shall be the greater) (*Vide* Article 18.)		(or 3 % *ad valorem* as the case may be).
35. Spices and Turmeric, per lb.	0 0 2¼	0 0 0¼
36. Spirits :—		
(*a*) Perfumed, per Imperial gallon.	1 2 6	
(*b*) Liqueurs, cordials, and mixed spirits, exceeding 3 per cent. of proof spirit, per Imperial gallon	1 0 0	
(*c*) Other sorts, exceeding 3 per cent. of proof spirit, per Imperial proof gallon.	0 19 0	
Note.—No allowance will be made for under-proof in excess of 15 per cent.		
Note.—Medicinal and toilet preparations and essences (liquid) and syrups and tinctures containing over 3 per cent. of proof spirit to be classed as spirits under item (*b*).		
(Note.—*Vide* Article 16.)		
37 Sugar :—		
(*a*) Candy, loaf, castor, icing, and cube, per 100 lbs.	0 5 0	
(*b*) Other kinds, including golden and maple syrup, molasses, saccharum, and treacle, per 100 lbs.	0 3 6	
(*c*) Saccharine and other sweetening substances in a concentrated form, per lb.	1 0 0	
Note.—In the case of sugar upon which bounties are granted in the country of origin, an additional duty equal to the amount of such bounty is to be levied.		
38. Tea, per lb.	0 0 4	
39. Tobacco :—		
(*a*) Cigars and cigarillos, per lb.	0 6 0	
(and in addition 15 per cent. *ad valorem*)		
(*b*) Goorak, or gooracco, and hookah mixture, and all imitations or substitutes therefor or for tobacco, per lb.	0 6 0	
(*c*) Snuff, per lb.	0 4 0	
(*d*) Cigarettes, per lb.	0 4 6	
(and in addition 15 per cent. *ad valorem*)		

	Duty. £ s. d.	Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies. £ s. d.
(*e*) Manufactured, per lb.	0 4 0	
(*f*) Unmanufactured, per lb.	0 3 0	
40. Vinegar :—		
(*a*) Of standard strength, fit for immediate use as such (*i.e.*, requiring no more than 40 grains of bi-carbonate of potash to neutralise 1 oz. troy) :		
(1) In bottles or other vessels of the capacity of not more than one Imperial quart, per Imperial gallon	0 1 1	0 0 1
(2) In larger vessels or in bulk, per Imperial gallon	0 0 7	0 0 1
(*b*) Concentrated extract or essence of greater strength than above, per Imperial gallon	0 3 3	0 0 3
41. Wine :—		
(*a*) Still wines, not exceeding 20 per cent. of proof spirit, per Imperial gallon	0 4 0	
(*b*) Still wines, exceeding 20 per cent., but not exceeding 50 per cent. of proof spirit, per Imperial gallon	0 8 0	
(*c*) Sparkling wines, per Imperial gallon	0 12 6	
(and in addition 5 per cent. *ad valorem* on all the above classes of wine)		
Note.—Wines containing less than 3 per cent. of proof spirit are not included in the above, and wines containing more than 50 per cent. of proof spirit are classed as spirits.		
General Note :—24 reputed half-pints, 12 reputed pints, 6 reputed quarts, and 4 reputed Imperial quarts to be deemed to be not less than 1 gallon.		
Tins, jars or other receptacles of reputed weight to be deemed to be not less than such weight.		
Reputed 12 oz., 14 oz., and 16 oz. packets of candles to be deemed to be of those weights respectively.		
Cement in packages of not less than 350 lbs., and not more than 400 lbs., to be deemed to be 400 lbs.		
Packages of flour or wheaten meal containing not less than 90 lbs., and not more than 100 lbs., to be deemed to be 100 lbs.		
Oils, mineral, illuminating, and burning, in ordinary reputed two 5 American gallon or ten 1 American gallon tins to be deemed to be not less than 8⅓ Imperial gallons, and two 4 reputed Imperial gallon tins to be deemed to be not less than 8 Imperial gallons.		
"Proof" means the strength of proof as ascertained by Sykes' hydrometer.		
CLASS II..		
Mixed Rates.		
42. Boots and Shoes, per £100.	15 0 0	
With a minimum per pair of—		
Men's.	0 0 9	
Women's.	0 0 6	
Children's	0 0 3	
43. Printed matter :—		
(*a*) Advertising, including catalogues, price lists, almanacs, calendars, labels, posters, and show cards, per £100.	25 0 0	
Or 2d. per lb., whichever shall be the greater.		
(*b*) Account and cheque books, printed stationery and forms, company reports, scrip, share certificates and promissory notes, cards (Christmas, New Year, birthday, post, and pictorial), directories, guide books and hand-books relating to South Africa, and boxes, cardboard, and bags, paper, printed upon, per £100	25 0 0	
44. Vehicles :—		
(*a*) Carriages, carts, coaches, and wagons, and finished parts thereof not elsewhere enumerated, per £100..	25 0 0	
(*b*) Second-hand carriages, carts, coaches, and wagons, per vehicle	10 0 0	
And in addition 15 per cent. *ad valorem*, but in no case shall the duty be less than 25 per cent. *ad valorem*.		
(Note.—Not including motor cars or cycles.)		
3 per cent. *ad valorem* will be rebated under Article 3 of the Convention.		

CLASS III.

25 PER CENT. *ad valorem.*

45. Beverages :—
    (*a*) Waters : ærated, mineral and table.
    (*b*) Fruit juices, cordials and syrups, not elsewhere enumerated.
    (*c*) All other kinds not exceeding 3 per cent. of proof spirit.
46. Biscuits, cakes, puddings and pastry.
47. Blankets and sheets, or rugs, cotton or woollen, or manufactures of cotton and wool commonly used as cotton or woollen blankets or rugs, and cotton quilts, the single article in pairs or in the piece ; and coats, jackets or other apparel made of blanketing or baize, not elsewhere enumerated.
48. Bon-bons, surprise packets and crackers, and fancy confectionery.
49. Bricks, except bath.
50. Extracts and essences of all kinds, for food, flavouring or perfumery, not elsewhere enumerated, including concentrated soup.
51. Fire-works of all descriptions.
52. Harness and saddlery, not including riding saddles.
53. Medicinal preparations, not elsewhere enumerated, other than pills imported in packages not for direct sale retail to the public, when prepared by any secret or occult art and recommended to the public under any general name or title as specifics for any diseases or affections whatsoever affecting the human or animal bodies.
54. Oils, essential or perfumed, including eucalyptus.
55. Perfumery, cosmetics, dyes, powders and other preparations for toilet use, not elsewhere enumerated.
56. Shawls and shawling, and loin cloths, whether in the piece or not.
    Note.—3 % *ad valorem* will be rebated under Article 3 of the Convention.

CLASS IV.

3 PER CENT. *Ad valorem.*

57. Ambulance materials, imported by recognised associations, corps, or hospitals, lawfully established for instruction or drill in first aid to the wounded.
58. Ammonium : anhydrous, carbonate, chloride (sal-ammoniac) and nitrate : in bulk.
59. Asbestos packing and boiler compositions.
60. Assay apparatus and assay mabor.
61. Bands and belting of all kinds for driving machinery, boiler tubes, bolting cloth and mill silk.
62. Barytes and pumice : in bulk.
63. Battery cloth and baize, gauze, matting, sieving and screening, for use in connection with machinery and apparatus, including brattice cloth, but not including cocoanut matting.
64. Bolts, nuts, rivets, screws, nails and washers, and brass and iron tips and caps for boots and shoes.
65. Book-binders' requisites, consisting of boards, cloths, leather, marble paper, skin, thread, tape, vellum, webbing, wire, gold and silver leaf, parchment, imitation leather, binders' paper, and cardboard and linen board.
66. Bottles and jars of common glass or earthenware, and bottles ordinarily used for ærated waters : empty.
67. Brass and copper, and composition metal : in bars, ingots, plates and sheets ; plain including perforated, but otherwise unmanufactured.
68. Calcium : carbonate, caustic, chloride, chlorate, bi-sulphite : in bulk.
69. Carbonic acid gas.
70. Cement, liquid, for tube mills.
71. Chains for hauling.
72. Chimneys : metal (smoke stacks).
73. Collodion cotton and glycerine and kieselguhr : in bulk for manufacturing purposes.
74. Confectioners' requisites, namely, glucose, moulding starch, gelatine, and unsweetened desiccated cocoanut : in bulk.
75. Corks and bungs, and cork wood unmanufactured.
76. Cranes, elevators and shears.
77. Crucibles, cupels, cupelling furnaces, graphite, ingot moulds, retorts and furnaces for roasting minerals.
78. Cyanide of potassium and of sodium ; sulpho cyanide of potassium, sodium and calcium.
79. Disinfectants : in bulk, provided they are of a standard approved by the various Governments of the Union.
80. Emery : in bulk, emery cloth and paper, emery wheels.
81. Felt, rubberoid, uralite, and similar substances for building purposes.
82. Fire clay and Terra Alba.
83. Fire escapes and fire extinguishing appliances and apparatus.
84. Fruits, fresh or green, including cocoanuts.
85. Glue : in bulk.
86. Gypsum (sulphate of lime or plaster of paris) . in bulk.
87. Hair-cloth and springs for furniture.
88. Hops.
89. Hose : conveying.
90. Hubs, rims, spokes, felloes, shafts, tent bows and poles, cut or fashioned, not finished, except when for wagons and carts commonly used for the conveyance of goods.
91. India rubber, unmanufactured.
92. Iron and steel :—
    (*a*) Rough and rolled but otherwise unmanufactured.
    (*b*) Plain, perforated, galvanised and corrugated sheets.
    (*c*) Angle, bar, channel, hoop, rod, plate, H, T, and similar iron or steel, not perforated or put together or worked up in any way for structural or other purposes : not elsewhere enumerated.

93. Jacks, screw and hydraulic.
94. Launches, tugs and lighters; provided that when condemned or landed to be broken up duty shall be paid at the Customs on the hull and all fittings, according to the tariff that may then be in force.
95. Lead: bar, pipe, sheet, foil, and acetate of.
96. Leather: patent, enamelled, roan and morocco, and pig skin in the piece, and valve hide.
97. Lifts: power, including the gates.
98. Machinery:—
    (*a*) Machinery, apparatus, appliances and implements (not including material, vehicles, mechanics' tools, domestic machines, or harness) for agricultural, manufacturing, mining,book-binding, printing, and other industrial purposes.
    (*b*) Machinery, apparatus, appliances, implements and electrical material used in connection therewith, for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, but not including electroliers, hand lamps or fancy fittings.
99. Magnesium sulphate: in bulk.
100. Metal of all sorts in bars, blocks, ingots, and pigs for founding, not elsewhere described.
101. Metal shaft sets and rails, buckets, skips, trucks and tubs, wheeled or otherwise, for hauling on rails or wires.
102. Packing and lagging for engines, machinery, piping and buildings.
103. Paper: all plain paper in its original mill ream, wrapper or reels, not less in size than 16 inches by 15 inches, not including feint or ruled papers or blotting, brown, cartridge, drawing, manifold, packing or tissue papers.
104. Pipes, piping and tubes of all kinds for gas, steam, drainage, sewerage, irrigation, water supply or pumping, including cocks, meters and taps, but not including grids, manhole covers and fittings, surface boxes, down-piping and guttering.
105. Potassium and sodium: carbonate, bi-carbonate, caustic and silicate, chlorate, chloride, bi-chromate, permanganate, red and yellow prussiate of: in bulk.
106. Presses: wool, hay, straw and forage.
107. Printing, lithographic and ruling inks, roller composition and stamping colours and printers' bronze.
108. Railway construction or equipment requisites, as follows:—
    Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge-work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trolleys, engine water-tanks, turn tables, permanent or fixed signals, weigh-bridges and railway lamps.
109. Resin: in bulk.
110. Saddle-trees.
111. School furniture and requisites: being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union to be for use in any school.
112. Sheep-dip, sheep-dipping powders, materials suitable only for dip and dipping tanks.
113. Slates for roofing.
114. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
115. Springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons.
116. Staves, not worked further than roughly fashioned.
117. Substances for destroying pests or diseases in stock, plants or trees, sulphate of copper, arsenic and arsenious acid, arseniate of soda: in bulk.
118. Tanks and vats, suitable and intended for mining purposes, and substructures for the same.
119. Telegraphs and telephones: materials and instruments for use in construction and working of telegraph and telephone lines.
120. Thread: boot and shoe makers', saddlers' and sailmakers', and seaming twine, and binding twine and harvest yarn.
121. Tin and zinc: bar, plate or sheet: plain or perforated, but otherwise unmanufactured.
122. Traction engines, power lorries and trailers for the same, stone crushers, steam rollers and street sweeping machines.
123. Tramway construction and equipment requisites as follows:—
    Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge-work, culvert tops, cars trolleys, water-tanks, and turn tables.
124. Vegetables, fresh or green, but not including garlic, potatoes, or onions.
125. Water-boring and pumping apparatus, and pumps, not including beer pumps.
126. Wire and wire-netting for fencing: droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings, of metal ordinarily used for agricultural or railway fencing; and baling wire.
127. Wire for making mattrasses.
128. Wire rope.
129. Wood:—
    (*a*) Unmanufactured.
    (*b*) Ceiling and flooring boards: planed, tongued and grooved.

Note.—The whole of the duties upon this class will be rebated under Article 3 of the Convention.

CLASS V.

FREE.

130. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
131. All animals bred and articles grown, produced or manufactured within the Union, except:—
    Spirits, beer or blasting compounds, distilled or manufactured within the Union, in case of the imposition of a duty or the prohibition of manufacture for sale.
    (*Vide* Article 16 of the Convention.)
132. Animals, living, not elsewhere enumerated.
133. Appointments and uniforms for the military, naval, volunteer or other (Imperial or Colonial) forces of His Majesty.
134. Atlases, charts, globes and maps.
135. Bags (not including paper bags) for flour, grain, manure, local manufactures, produce, sugar, wool, coal and minerals, and bagging and sacking in the piece.

136. Band instruments and stands, the *bona fide* property of any military, naval or volunteer corps, and not the property of individuals.
137. Bones, feathers, grass, ivory, hair, hoofs, horns, moss, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried or cleaned, but in their raw and unmanufactured state.
138. Books and music, printed, including newspapers and periodicals, not being foreign unauthorised prints of any British or South African copyright work, the importation of which is prohibited, not being advertising matter elsewhere enumerated.
139. Borax, bromine, litharge, manganese dioxide and quicksilver : in bulk.
140. Bottles and jars of common glass or earthenware, imported full of any article liable to a rated duty only.
141. Bullion (in the bar or sheet), coin, specie, bank notes and other paper currency.
142. Carriages, carts, wagons and other wheeled vehicles, the manufacture of South Africa, imported into the Union overland.
143. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
144. Coir, candle wick, cotton, flax, fibre, flock, hemp and jute : raw, waste or unmanufactured.
145. Consular uniforms and appointments, and printed official consular stationery.
146. Cork dust, paper shavings, sawdust, husks and other waste substances, intended and suitable for use only as packing material.
147. Cups, medals and other trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services, or rifle shooting by Imperial or Colonial forces or recognised rifle associations, not being for the purpose of advertisement : provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which presented.
148. Diagrams, designs, drawings, models and plans.
149. Diamonds and other gems, or precious stones, in their rough state.
150. Dye nuts, gambier, myrobalans, sumach, valonia, and dye-stuffs for leather ; and alum.
151. Engravings, lithographs and photographs, not including enlargements or reproductions of photographs, and not being labels or advertisements elsewhere enumerated.
152. Fish fry and ova.
153. Fish : fresh, dried, cured, or salted of South African taking and raw oil from fish of South African taking.
154. Guano and other substances, animal, mineral or vegetable, artificial or natural, suitable for use as fertilisers or manures.
155. Ice.
156. Life boats, belts and buoys, and other life saving apparatus imported by any recognised Society.
157. Marble in the rough or sawn.
158. Nitrates except nitrate of ammonium, for manufacturing purposes or for fertilizers : in bulk.
159. Oils : palm, palm kernel, cotton seed : in bulk.
160. Paintings, pictures, picture books and etchings, not being advertisements or labels elsewhere enumerated.
161. Platinum, chloride of.
162. Public Stores, imported or taken out of Bond by, and *bonâ fide* for the sole and exclusive use of, the Government of His Britannic Majesty, and of any Government belonging to the Union, provided that a certificate be delivered to the Customs authorities given under the hand of an officer approved by the Principal Officer of Customs, setting forth that any duty levied on such public stores would be borne directly by the Government : and provided further that no portion of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of or into comsumption by any persons not legally entitled to import the same free of duty, without the consent of the Principal Officer of Customs and the payment of the duties to him by the officer so selling or disposing of such public stores at the rate leviable at the date of sale.
163. Rattans, cane and bamboo : unmanufactured.
164. Sculpture, being original works of art.
165. Seeds, bulbs, plants and tubers, for planting or sowing only, not including edible kinds or fodder.
166. Specimens illustrative of natural history and exhibits for public museums or scientific purposes, and antiquities for the same purposes.
167. Stone linings and pebbles for tube mills.
168. Sulphur : in bulk.
169. Sulphurous Anhydride.
170. Tallow.
171. Tobacco, the produce of South Africa, imported into the Union overland.
172. Vaccine virus, toxin and serum.
173. Wax : viz. :—paraffin and stearine, and stearine grease, ordinarily used in the manufacture of candles or explosives.
174. Wood meal and wood pulp.

CLASS VI.—15 %.

General *Ad Valorem* Rate 15 per cent.

175. All goods, wares, and merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of 15 % *ad valorem*.

Note :—3 % *ad valorem* will be rebated under Article 3 of the Convention.

ARTICLE III.

A rebate of Customs Duties shall be granted on any goods and articles, the growth, produce or manufacture of the United Kingdom, imported therefrom into the Union for consumption therein to the extent following :—

(*a*) In the case of goods and articles charged with Customs Duty under Class I., the amount shown in the column indicating such rebate.

(*b*) In the case of goods and articles charged under Classes II., III., IV., and VI. 3 per cent. *ad valorem* on such goods and articles.

Provided that the manufactured goods and articles in respect of which such rebate as aforesaid shall be granted shall be *bonâ fide* the manufactures of the United Kingdom, and that in the event of any question arising as to whether any goods or articles are entitled to any such rebate as aforesaid, the decision of the Minister or other Executive Officer in whom the control of the Customs Department immediately concerned is vested. shall be final.

ARTICLE IV.

A rebate similar to that for which provision is made in the last preceding Article shall be granted in like manner and under like provisions to goods and articles the growth, produce or manufacture of any British Colony, Protectorate, or Possession, granting equivalent reciprocal privileges to the Colonies and Territories belonging to the Union, provided that no such rebate shall be granted in the case of any particular Colony, Protectorate, or Possession until and after a date to be mutually agreed upon and publicly notified by the parties to this Convention.

ARTICLE V.

Every contracting party to the Convention shall, subject to the provisions of the Articles of this Convention, collect the Customs Duties payable upon all goods imported within its borders from outside the limits of the Union for removal from the collecting Colony or Territory into any other part of the Union, and recover for and pay over to the Government of the Colony or Territory into which the goods are so removed for consumption, the duties so collected by it on such goods subject to a deduction of five per cent. of the duty collected.

ARTICLE VI.

The importation of all goods upon which the Customs Duties must be paid over by any one party to any other party to the Union, shall be subject to such regulations as may be mutually agreed upon.

ARTICLE VII.

Every Colony and Territory belonging to the Union shall be at liberty to pass through any part thereof, under such regulations as may be agreed upon, goods intended for consumption outside the Union duty free, or at such rate as the interests of the forwarding Colony or Territory may demand.

ARTICLE VIII.

All accounts as between the parties to the Union shall be made up to the end of each month, and all such accounts shall be settled within one month thereafter, subject to any subsequent adjustment which may be found necessary.

ARTICLE IX.

The introduction of prison and penitentiary made goods into the Union is prohibited, so also is the introduction of opium, except for medicinal purposes, under such regulations as may be mutually agreed upon.

The importation of any other article may be by law prohibited in any of the said Colonies or Territory.

Articles, the importation whereof is prohibited in any of the said Colonies or in the said Territory, shall be allowed to pass through the prohibiting Colony or Territory to any other Colony or Territory within the Union not so prohibiting, subject to payment of the Customs Duty (if any) imposed under this Convention.

ARTICLE X.

Notwithstanding anything to the contrary contained in this Convention, but subject to the provisions of Article IX., every Colony or Territory belonging to the Union shall permit goods imported thereinto from any place beyond the limits of the Union to be removed under bond without payment of duty, subject, however, to the Customs Laws in force in such first mentioned Colony or Territory with regard to the removal of goods in bond, and subject to such regulations with regard thereto as may be mutually agreed upon.

ARTICLE XI.

Except in cases of duty paid in excess or in error no rebate or refund of any sum in respect of duty paid or bounty or gratuity in respect of any dutiable article shall be allowed or granted by any of the contracting parties to the Convention, except upon grounds contained in the Articles of this Convention, or by mutual agreement.

ARTICLE XII.

It shall be open to any party to this Convention to suspend in whole or part the collection of the Customs Duty imposed under Class I. of the foregoing Tariff upon fresh, chilled and frozen meat and on animals for slaughter for consumption within its own jurisdiction and to remove such suspension.

ARTICLE XIII.

It shall be permitted to the Territory of Southern Rhodesia to grant, upon all goods and articles, the growth, produce and manufacture of any part of His Majesty's Dominions or of any British Protectorate a rebate of the Customs Duties payable under the foregoing tariff, equal in amount to the difference between the said duties payable, as aforesaid, and the highest duties which it is permissible to the said Territory to impose under Clause 47 of the Southern Rhodesian Order in Council, 1898.

ARTICLE XIV.

The Territory of Southern Rhodesia may provide for the suspension in whole or part of the Duties on the goods and articles comprised in Schedule E.

ARTICLE XV.

Any Colony or Territory granting a rebate or making provision for the suspension of duty on any articles under this Convention shall levy and recover and be responsible for the levying and recovering of the amount of the duty rebated or suspended on the removal of such articles for consumption into any other part of the Union.

ARTICLE XVI.

(*a*) Any Colony or Territory belonging to the Union may at any time levy a Customs Duty upon ale or beer, and blasting compounds, the produce or manufacture of any other such Colony or Territory, not exceeding any duty of excise which may be levied by the importing Colony or Territory on the produce or manufacture of articles of the like description within its own borders, provided that such articles from whatsoever part of the Union they may be imported shall be liable to uniform duties.

(*b*) Where a duty of excise is levied on any article in any Colony or Territory belonging to the Union, such article may be removed under bond under terms of Article X. to any other Colony or Territory in the Union.

(*c*) A duty of excise not exceeding 9/- per Imperial Proof gallon with an allowance for underproof down to 7/6 per gallon, shall be charged by the various parties to this Convention on Spirits manufactured from the produce of the vine within their respective jurisdictions, and each party shall impose on such spirit manufactured within the Union on importation thereof into its territory a duty of customs not exceeding the amount of such duty of excise. In regard to the manufacture of spirit other than the produce of the vine each party shall retain full liberty to permit such manufacture with or without a duty of excise or to prohibit the same, provided that when manufacture is allowed, subject to a duty of excise, the importation of similar spirits from other parts of the Union shall be permitted, subject to a customs duty not exceeding the said duty of excise, and provided further that where such manufacture is prohibited by any of the parties hereto such spirits when manufactured elsewhere within the Union may be subjected on importation to a duty equal to that levied on spirits not manufactured within the Union.

(*d*) It shall be open to any of the parties to this Convention on giving six months' notice to all the other parties thereto to make any alteration in the duties of excise or of customs referred to in this Article or to prohibit the manufacture of any spirits within its borders, but any such alteration or prohibition shall not be held to affect the validity of the other provisions of this Convention not directly affected thereby.

(*e*) The importation into any part of the Union of spirits manufactured elsewhere in the Union shall be subject to such regulations as may be agreed on between the respective Governments.

ARTICLE XVII.

Methylated Spirit manufactured within the Union shall be admitted into any Colony or Territory belonging to the Union on equal terms with Methylated Spirit produced from any article in the importing Colony.

ARTICLE XVIII.

Any Colony or Territory belonging to the Union, may, under suitable regulations, rebate the whole or part of the duty on methylated spirits, or alcohol imported solely for manufacturing or scientific purposes or for fuel within its borders, and on soap and other substances imported for and exclusively used in connection with the industry of wool-washing.

ARTICLE XIX.

Any Colony or Territory belonging to the Union may allow either by free importation or rebate an abatement of the duties on articles imported by and for the use of members of His Majesty's Regular Forces, and also in respect of Wines and Spirits for the use of the Governor, Lieutenant-Governor, Administrator or Resident Commissioner of any such Colony or Territory.

ARTICLE XX.

For the purposes of estimating the amount of Customs duty whenever levied on goods *ad valorem*, and of the declaration and oaths which may be at any time required by any law or regulations in relation to the question of such duty, the current value of such goods shall be taken to be the true current value in the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturer or supplier in normal quantities, including the cost of packing and packages, but not including agent's commission if it does not exceed 5 per cent.; provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase.

ARTICLE XXI.

Wherever in any of the Articles of this Convention mutual agreement or assent is referred to, the agreement or assent of the Governments of the Cape Colony, Natal, the Orange River Colony, the Transvaal, and Southern Rhodesia shall alone be deemed and taken to be intended; and wherever the decision of a majority is referred to, it shall be deemed to mean a majority of the Governments of such Colonies and Territory.

ARTICLE XXII.

Nothing herein contained shall be deemed or taken to prohibit the Transvaal from allowing the importation free of duty into that Colony of any goods and articles, excepting spirits, the growth, produce or manufacture of the Portuguese Province of Mozambique or of British Central Africa, provided that this Article shall only apply to those products and manufactures the elements or chief constituent parts of which are the products of the soil of the countries in question.

ARTICLE XXIII.

The provisions of this Convention shall continue in force from the date of the coming into operation of this Convention and thereafter; provided, however, that it shall be open for any party to this Convention to give twelve months' notice to all the other contracting parties of its wish to amend the terms of this Convention or to retire therefrom, such notice to be given prior to the 30th June of any one year and to expire on the 30th June of the next succeeding year.

ARTICLE XXIV.

Upon receipt of the notice as provided in Article 23 of the desire of any party to this Convention to amend the terms thereof, the High Commissioner shall summon a Conference of the contracting parties to consider proposed amendments to this Convention, such Conference to meet not more than four months' prior to the expiration of the notice as provided.

ARTICLE XXV.

It shall be competent at any time during the existence of the Union for any other Colony, Territory, or State of South or Central Africa having a civilised Government to apply to be included as a party thereto and upon all the parties to this Convention signifying their joint assent to such admission and mutually agreeing to the terms and date of such admission, such Colony, Territory, or State shall be admitted, provided that it pass the requisite legislation to give effect to the terms of such admission.

ARTICLE XXVI.

No amendment or addition to this Convention shall be made without the unanimous consent of the contracting parties hereto, but any difference of opinion with reference only to the true construction of any item of the foregoing Tariff shall be determined by the decision of the majority of the Government of such contracting parties, provided that no Government shall be deemed to be hereby bound to accept a construction of any item of the said Tariff which is in conflict with any judicial decision binding upon such Government.

ARTICLE XXVII.

When Union manufactures of tobacco or preparations of tobacco containing an appreciable quantity of imported materials, or flour, wheaten, meal or pollard manufactured from other than South African wheat, are removed from one State in the Union to another for consumption in the latter, credit shall be given by the forwarding State to the receiving State of 95 per cent. of the duty originally collected on such materials, the proportion of such materials contained in such manufactures to be determined from time to time by agreement between the Principal Officers of Customs of the various parties to the Union on each article respectively.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Mafeking, this 14th day of May, One Thousand Nine Hundred and Six.

WALTER HELY-HUTCHINSON,
Governor.

Given under my hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this 29th day of April, One Thousand Nine Hundred and Six.

HENRY McCALLUM,
Governor.

Given under my hand and the Public Seal of the Orange River Colony, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
Governor.

Given under my hand and the Public Seal of the Colony of the Transvaal, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
Governor.

Given under my hand and the Public Seal of the Territory of Southern Rhodesia, at Salisbury, this 9th day of May, One Thousand Nine Hundred and Six.

W. H. MILTON,
Administrator.

On behalf of His Majesty's Government of Basutoland, I hereby signify my assent to the above Convention and Schedules A B C D and E hereto.

Given under my hand and the Public Seal of Basutoland, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
High Commissioner.

On behalf of His Majesty's Government of the Bechuanaland Protectorate, I hereby signify my assent to the above Convention and Schedules A B C D and E hereto.

Given under my hand and the Public Seal of the Bechuanaland Protectorate, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
High Commissioner.

On behalf of His Majesty's Government of the Territory of Swaziland, I hereby signify my assent to the above Convention and Schedules A B C D and E hereto.

Given under my hand and the Public Seal of the Territory of Swaziland, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
Governor.

On behalf of the Government of North Western Rhodesia (Barotziland), I hereby signify my assent to the above Convention and Schedules A B C D and E hereto.

Given under my hand and the Public Seal of North Western Rhodesia, at Pretoria, this 17th day of May, One Thousand Nine Hundred and Six.

SELBORNE,
High Commissioner.

SCHEDULE A.

Admission of Basutoland into the Union.

PROTOCOL to the Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State on the 5th day of April, 1889, and the 28th day of March, 1889, respectively, and to the further Protocol and Supplement thereto, the said Protocol being signed and sealed as aforesaid by His Excellency the Governor of the said Colony, and His Honour the President of the said State, on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, and the said Supplement being signed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State on the 11th day of September, 1890.

His Excellency the Governor of the Cape of Good Hope and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, having regard to the application made by or on behalf of the Government of Basutoland to be included as a party to the subsisting Customs Union between the said Colony and State, and having regard to the articles of the subsisting Customs Union Convention entered into in the year 1889, between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, do hereby signify their joint assent, in terms of Article X. of the said Convention, to the admission of Basutoland as a party to the said Customs Union, subject to the terms and conditions following, that is to say:—

1. The admission of Basutoland to the said Customs Union shall take effect and operate on and after the 1st July, 1891, provided that the Government of Basutoland shall before that date have passed the legislation requisite to give effect to the terms and conditions of this Protocol, relative to its admission as a party to the said Customs Union.

2. His Excellency the High Commissioner shall, at the foot or end of this Protocol, signify on behalf of Her Majesty's Government his assent to this Protocol, and to the terms and conditions herein contained relative to the admission of Basutoland as a party to the said Customs Union.

3. So soon as Basutoland shall be admitted as a party to the said Customs Union, the Government thereof shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though Basutoland were a fourth party thereto, the Government thereof having all the rights and being bound by all the obligations with regard to the respective Governments of the Colony of the Cape of Good Hope, the Orange Free State, and the Territory of British Bechuanaland, to which the said Governments are mutually entitled, and by which they are mutually bound under the said Convention with regard to each other: Provided always that

(*a*) With regard to Articles III., IV., VII., X., and XI. of the said Convention, the mutual agreement or joint assent of the two Governments of the Colony of the Cape of Good Hope and of the Orange Free State, shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time.

(*b*) The Government of Basutoland shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on in terms of any of the said Articles by the mutual agreement or joint assent of the aforesaid two Governments.

(*c*) No amendment of the provisions of the said Convention shall be made under Article XI. thereof before consultation with the Government of Basutoland.

(*d*) No agreement, rule, or regulation made by the mutual agreement or joint assent in terms of paragraph (*a*) of this proviso of the two Governments therein referred to shall at any time be deemed or taken to be applicable to and binding upon Basutoland or the Government thereof unless such agreement, rule, or regulation shall be also applicable to and binding upon the Orange Free State and the Government thereof, or unless the Government of Basutoland shall directly express to the said two Governments its assent to such agreement, rule, or regulation.

4. The Protocol to the said Customs Union Convention, entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their Hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol to form portion of the said Customs Union Convention.

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this Tenth day of January, One Thousand Eight Hundred and Ninety-one.

HENRY B. LOCH,
Governor.

Given under my Hand and the Public Seal of the Orange Free State, at Bloemfontein, this Twenty-eighth day of February, One Thousand Eight Hundred and Ninety-one.

F. W. REITZ,
State President.

On behalf of Her Majesty's Government of Basutoland, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of Basutoland as a party to the Customs Union, subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of Basutoland, at Capetown, this Tenth day of January, One Thousand Eight Hundred and Ninety-one.

HENRY B. LOCH,
High Commissioner.

SCHEDULE B.

ADMISSION TO THE CUSTOMS UNION OF THE BECHUANALAND PROTECTORATE, WHICH IS UNDER THE DIRECT ADMINISTRATIVE CONTROL OF THE HIGH COMMISSIONER.

PROTOCOL to the Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their Hands and the Public Seals of the said Colony and State, on the 5th day of April, 1889, and the 28th day of March, 1889, respectively, and to the further Protocols and Supplement thereto, being the Protocol signed and sealed as aforesaid by His Excellency the Governor of the said Colony, and His Honour the President of the said State on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, the Supplement signed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State on the 11th day of September, 1890, and the Protocol signed and sealed as aforesaid by His Excellency the Governor of the said Colony, on the 10th day of January, 1891, and by His Honour the President of the said State on the 28th day of February, 1891, and assented to by His Excellency the Governor of Basutoland on the 10th day of January, 1891.

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, having regard to the application made by, or on behalf of the Government of the Bechuanaland Protectorate for the inclusion of such portion of the British Protectorate as is under the direct administrative control of the High Commissioner, as a party to the subsisting Customs Union between the said Colony and State, and having regard to the Articles of the subsisting Customs Union Convention entered into in the year 1889 between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, do hereby signify their joint assent in terms of Article X. of the said Convention, to the admission of such portion of the said Protectorate as is under the direct administrative control of the High Commissioner as a party to the said Customs Union, subject to the terms and conditions following, that is to say:—

1. The admission of the said portion of the Bechuanaland Protectorate to the said Customs Union shall take effect and operate on and after the 1st July, 1892, provided that the Government of the said Protectorate shall, before that date, have passed the legislation requisite to give effect to the terms and conditions of this Protocol, relative to the admission of the said portion thereof as a party to the said Customs Union.

2. His Excellency the High Commissioner shall, at the foot or end of this Protocol, signify on behalf of Her Majesty's Government, his assent to this Protocol and to the terms and conditions herein contained relative to the admission of the said portion of the Bechuanaland Protectorate as a party of the said Customs Union.

3. So soon as the said portion of the Bechuanaland Protectorate shall be admitted as a party to the said Customs Union, the Government thereof shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention, and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though the said portion of the said Protectorate were a fifth party thereto, the Government thereof having all the rights and being bound by all the obligations with regard to the respective Governments of the Colony of the Cape of Good Hope, the Orange Free State, the Territory of British Bechuanaland and the Territory of Basutoland to which the said Governments are mutually entitled and by which they are mutually bound under the said Convention with regard to each other :—

Provided always that :—

(*a*) With regard to Articles III., IV., VII., X., and XI. of the said Convention, the mutual agreement or joint consent of the two Governments of the Colony of the Cape of Good Hope, and of the Orange Free State, shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time.

(*b*) The Government of the said portion of the said Protectorate shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on in terms of any of the said Articles by the mutual agreement or joint assent of the aforesaid two Governments.

(*c*) No amendment of the provisions of the said Convention shall be made under Article XI. thereof, before consultation with the Government of the said portion of the said Protectorate.

(*d*) No agreement, rule or regulation made by the mutual agreement or joint assent in terms of paragraph (*a*) of this proviso of the two Governments therein referred to, shall at any time be deemed or taken to be applicable to and binding upon the said portion of the said Protectorate or the Government thereof, unless such agreement, rule or regulation shall be also applicable to and binding upon the Orange Free State and the Government thereof, or unless the Government of the said portion of the said Protectorate shall directly express to the said two Governments its assent to such agreement, rule or regulation.

4. The Protocol to the said Customs Union Convention, entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol to form portion of the said Customs Union Convention.

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this thirtieth day of December, One thousand Eight hundred and Ninety-one.

HENRY B. LOCH,
Governor.

Given under my Hand and the Public Seal of the Orange Free State, at Bloemfontein, this first day of February, One thousand Eight hundred and Ninety-two.

F. W. REITZ,
State President.

On behalf of Her Majesty's Government of the Bechuanaland Protectorate, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of the said portion of the said Protectorate as a party to the Customs Union, subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my Hand and the Public Seal of the Bechuanaland Protectorate, at Capetown, this thirtieth day of December, One thousand Eight hundred and Ninety-one.

HENRY B. LOCH,
High Commissioner.

SCHEDULE C.

Admission of Swaziland into the South African Customs Union.

PROTOCOL to the Customs Union Convention entered into at Bloemfontein in the year 1903.

His Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of the Colony of Natal, His Excellency the Governor of the Orange River Colony and the Transvaal and His Honour the Administrator of Southern Rhodesia mutually, on behalf of their respective Governments, having regard to the application made on behalf of the Territory of Swaziland to be included as a party to the South African Customs Union Convention, do hereby signify their joint assent in terms of Article XXIV. of the said Convention

to the admission of Swaziland to the South African Customs Union, and agree that the date of such admission shall be the eleventh day of October, One thousand Nine hundred and Four, provided that before that date the requisite legislation to give effect to the terms of admission shall have been passed.

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope at Capetown, this second day of October, One thousand Nine hundred and Four.

E. S. BROOK, Major-General,
Administrator for the Governor.

Given under my Hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this twenty-sixth day of September, One thousand Nine hundred and Four.

HENRY McCALLUM,
Governor.

Given under my Hand and the Public Seal of the Orange River Colony at Johannesburg, this twenty-fourth day of September, One thousand Nine hundred and Four.

MILNER,
Governor.

Given under my hand and the Public Seal of the Transvaal at Johannesburg, this twenty-fourth day of September, One thousand Nine hundred and Four.

MILNER,
Governor.

Given under my Hand and the Public Seal of the Territory of Southern Rhodesia, at Salisbury, this eleventh day of October, One thousand Nine hundred and Four.

W. H. MILTON,
Administrator.

On behalf of the Territory of Swaziland, I hereby signify my assent to the above Protocol.

Given under my Hand and the Public Seal of Swaziland, at Johannesburg, this twenty-fourth day of September, One thousand Nine hundred and Four.

MILNER,
Governor.

SCHEDULE D.

Admission of North-Western Rhodesia.

PROTOCOL to the Customs Union Convention entered into between the Governments of the Colonies of the Cape of Good Hope, Natal, the Orange River Colony, the Transvaal, and the Territory of Southern Rhodesia, which came into operation on the 15th August, 1903.

His Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of the Colony of Natal, His Excellency the Governor of the Orange River Colony and the Transvaal, and His Honour the Administrator of Southern Rhodesia, do, under Article XXIV. of the Convention, on behalf of their respective Governments, hereby give their joint assent to the admission of the Territory of North-Western Rhodesia as a party to the Union, under the following conditions, and mutually agree that—

(*a*) The Territory of North-Western Rhodesia shall occupy the same position in the Union as do the Territories of Basutoland and the Bechuanaland Protectorate.

(*b*) The provisions of Article XIV. of the Convention shall apply to the Territory of North-Western Rhodesia, and for this purpose the reference in the said Article to Clause 47 of the Southern Rhodesia Order-in-Council, 1898, shall be deemed to be a reference to Clause 15 of the Barotziland-North-Western Rhodesia Order-in-Council, 1899.

(*c*) The provisions of Article XV. shall apply to the Territory of North-Western Rhodesia in the same manner as to the Territory of Southern Rhodesia, provided that no bounties shall be payable by the said Territory until the expiration of two years from the coming into force of this Protocol.

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(*d*) This Protocol shall come into operation from the first day of December, 1905, provided that by that date the requisite legislation shall have been enacted to give effect to the terms of the admission of the said Territory to the Union.

(*e*) The Administrator of North-Western Rhodesia shall hereon signify his assent to the admission of the said Territory as a party to the South African Customs Union under the foregoing conditions.

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this twenty-third day of November, One thousand Nine hundred and Five.

WALTER HELY-HUTCHINSON,
Governor.

Given under my Hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this sixteenth day of November, One thousand Nine hundred and Five.

HENRY McCALLUM,
Governor.

Given under my Hand and the Public Seal of the Orange River Colony, at Johannesburg, this eleventh day of December, One thousand Nine hundred and Five.

SELBORNE,
Governor.

Given under my Hand and the Public Seal of the Colony of the Transvaal, at Johannesburg, this eleventh day of December, One thousand Nine hundred and Five.

SELBORNE,
Governor.

Given under my Hand and the Public Seal of the Territory of Southern Rhodesia, at Salisbury, this twenty-ninth day of November, One thousand Nine hundred and Five.

THOMAS C. SCANLEN,
Acting Administrator.

I hereby assent to the admission of Barotziland-North-Western Rhodesia as a party to the South African Customs Union under the foregoing conditions.

RT. CORYNDON,
Administrator.

February 15th, 1906.

SCHEDULE E.

SOUTHERN RHODESIA : (Special Suspensions).

Candles.
Condensed, desiccated, or preserved milk or cream (not skimmed or separated).
Fish.
Meats :—
(*a*) Preserved.
(*b*) Salted or cured.
Oils : Not essential or perfumed.

No 11 of 1906

SANCTIONED

C. O.
26756
Rec'd
Rec'd 21 JUL 06

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS the testimony of persons residing within the Bechuanaland Protectorate (hereinafter called the Protectorate) is frequently required in the Courts of Law of neighbouring Colonies and Territories and it is necessary lest the ends of justice be defeated that provision should be made for compelling the attendance of such persons before the said Courts and for their examination in the Protectorate by means of interrogatories;

AND WHEREAS by virtue of Proclamation No.13 of 1898 provision has been made for compelling the attendance of such persons before the Courts of the Colony of the Cape of Good Hope and of the Territory of Rhodesia:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

P A R T I.

1. Whenever a subpoena purporting to be issued by the proper officer of a competent Court in any Colony or Territory in South Africa to which this part of this Proclamation applies has been transmitted by such officer to the Resident Commissioner of the Protectorate or to an

- Assistant -

Assistant Commissioner or Resident Magistrate or Assistant Resident Magistrate of any district in which there resides or is a person whose attendance is required as a witness in such Court aforesaid it shall be the duty of any such official to whom the said subpoena has been transmitted as aforesaid to endorse thereon his order that the same be served on the person named therein and the subpoena so endorsed shall thereupon be delivered to the officer proper for the service of the process of the Court of the said Resident Commissioner Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate as the case may be or to such other person as the official endorsing shall specially appoint for the purpose and it shall be the duty of such officer or other person to serve such subpoena as soon as practicable on the person named therein; provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena and to be incurred during his detention at the place where his evidence is given shall have been transmitted to the official to whom the subpoena shall have been transmitted together with the said subpoena; and provided further that the portion of the expenses aforesaid assigned to the person named in the said subpoena shall have been paid to him by the officer or other person serving the same.

2. The High Commissioner may from time to time make alter or rescind a tariff of such expenses as are mentioned

in the last preceding section in respect of any Colony or Territory to which this part of this Proclamation applies.

3. Any person who shall have been served with such subpoena as in section one is provided and shall not have attended at the time and place mentioned therein shall be liable to a penalty not exceeding one hundred pounds unless he shall offer a valid and lawful excuse for such non-attendance: and every such penalty shall be recoverable in the Court of the Assistant Commissioner Resident of the Protected Magistrate or Assistant Resident Magistrate in which he shall be residing at the instance of the Government of the Protectorate.

4. The return of the person who under section one of this Proclamation is authorised to serve a subpoena showing that service has been duly made together with a certificate under the hand and seal of the presiding Judge or Magistrate or other judicial officer of the Court from which the said subpoena was issued showing that the person so served did not attend when called upon and did not establish any valid and lawful excuse for his default shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

5. No person resident in any Colony or Territory to which this part of this Proclamation applies who may be summoned as a witness before any Court of the Protectorate and whose attendance before such Court shall be

- enforced -

enforced by any law of such Colony or Territory shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or for any offence formerly committed by him in the Protectorate.

PART II.

6. If any civil cause or matter be pending in a Court of Resident Magistrate of any Colony or Territory in South Africa to which this part of this Proclamation applies and the Resident Magistrate of such Court shall certify that the evidence of a person resident or being in the Protectorate is required in such cause or matter and shall transmit such certificate to the Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate of the district in which such person resides or is together with any interrogatories duly and lawfully framed which it is desired to put such person it shall be the duty of such Assistant Commissioner or Magistrate as the case may be upon receipt:-

(1) of such certificate and interrogatories;

(2) of the expenses payable to such person for his appearance as herein provided;

(3) of the amount payable in fees or stamps for the issue and service of the summons herein mentioned to summon such person to appear before him and upon such appearance to take the evidence of such person as if he were a witness in a civil case in the Court of such Assistant Commissioner or Magistrate and to put to such person the interrogatories aforesaid

- together -

together with any other questions calculated to obtain full and true answers to such interrogatories and to take down or cause to be taken down the evidence so obtained and to transmit the same certified as correct to the Resident Magistrate in whose Court such civil cause or matter is pending.

It shall further be the duty of the Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate who has obtained such evidence to transmit to the Resident Magistrate in whose Court the said cause or matter is pending a certificate showing the amount paid to the person aforesaid in respect of the expenses of appearance and the cost of the issue and service of any summons aforesaid.

The term 'Resident Magistrate' in this section when used in reference to a Court of a Colony or Territory in South Africa to which this part of the Proclamation applies shall include an Assistant Resident Magistrate Resident Commissioner and Assistant Commissioner or other judicial officer of such Colony or Territory having like jurisdiction.

7. The High Commissioner may from time to time make alter and rescind a tariff of expenses payable to persons summoned before an Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate under the provisions of the last preceding section and of the fees and stamps payable in respect of the issue of service of any such summons.

8. Any person required to appear before an Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate under the provisions of section six shall be summoned in like manner and be liable to like penalties in the event of his non-attendance as if he had been summoned to give evidence before the Court of an Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate in the Protectorate.

9. Whenever under any law in force in any Colony or Territory of South Africa to which this part of this Proclamation applies the evidence of persons who reside or may be in such Colony or Territory has been taken by means of interrogatories for the purpose of using the same in any civil cause or matter pending in a Court of an Assistant Commissioner Resident Magistrate or Assistant Resident Magistrate in the Protectorate such evidence if certified by the proper officer as having been taken in accordance with the law of such Colony or Territory shall (subject to all lawful objections) be receive-d as evidence in such civil cause or matter.

G E N E R A L.

10. (1) Part I of this Proclamation shall take effect so far as concerns any Colony or Territory in South Africa as soon as the High Commissioner shall by notice in the Gazette declare that such Colony or Territory has made due provision to compel the attendance of persons resident in such Colony or

Territory as witnesses be fore the Courts of the Protectorate.

(2) Part II of this Proclamation shall take effect so far as concerns any Colony or Territory in South Africa as soon as the High Commissioner shall by notice in the Gazette declare that such Colony or Territory has made due provision for taking by interrogatories the evidence of persons resident in such Colony or Territory when such evidence is required in civil cases in Courts of the Protectorate.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Bloemfontein, O.R.C. This twentieth day of June One thousand Nine hundred and Six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretary.

C O
37820
RECD
REGD 13 OCT 06

SANCTIONED.

No. 12 of 1906.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the law relating to Customs Duties in the territory defined by the Barotziland-North-Western Rhodesia Order in Council 1899 hereinafter referred to as "the territory" and to make provision for the collection and management of Customs duties in the territory irrespective of any changes which may be made from time to time in the Tariff:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:

1. This Proclamation may be cited for all purposes as the "Customs Management (Barotziland) Proclamation 1906" and shall take effect on the first day of July 1906.

2. Sections *three four sixteen* and sections *eighteen* to *forty-five* inclusive of the "Customs Proclamation (Barotziland) 1905" together with the provisions of any other law repugnant to or inconsistent with the provisions of this proclamation shall be and are hereby repealed except as to acts done appointments made offences committed penalties incurred or proceedings instituted before the taking effect hereof.

3. In the interpretation of this Proclamation the expressions following shall have the meanings assigned to them respectively:—

(1) "Warehouse" shall signify any place whether house shed yard or other place in which goods entered to be warehoused upon importation or removal may be lodged kept and secured without payment of duty.

(2) "Public Warehouse" shall signify any place provided by the British South Africa Company for lodging goods therein for security of the Customs.

(3) "Officer of Customs" means a collector or other person appointed by the Administrator or by the Controller of Customs with the Administrator's authority or sanction for the discharge of any duties in connection with the administration of this Proclamation.

(4) "Goods" includes all wares articles merchandise animals matter baggage stores or things imported into or exported from the territory.

(5) "Importer" includes his agent.

(6) "Exporter" includes his agent.

4. No goods shall be imported into the territory without due entry as prescribed by law and the payment or securing of such duties as may from time to time be imposed by any law in force relating to Customs duties and any goods imported contrary to this shall be liable to forfeiture provided that such forfeiture shall not be taken to affect the liability to any other penalty due or punishment which may have been incurred under and by virtue of this or any other law in force at the time of such importation.

5. All goods whatsoever which may be deposited in any warehouse or place of security under lawful authority without payment of the duty upon the first importation thereof or which may be imported and still upon the carriage or vehicle in which they were conveyed to the territory shall upon being entered for consumption be subject and liable to such and the like duties as may at the time of passing such entry be due and payable upon the like sort of goods under any law for the time being in force relating to the Customs.

6. All duties shall unless otherwise specially provided be charged paid and received on and according to the weights and measures by law established in the territory; and in all cases where such duties are imposed according to any specific quantity or any specific value the same shall be deemed to apply proportionally to any greater or less quantity or value.

7. All Customs duties shall on collection be paid to the British South Africa Company in its local treasury through such officers or persons as may be appointed or to whom the duty may be assigned by the Administrator.

8. Nothing in this Proclamation contained shall be deemed or taken to alter modify or repeal the law relating to the importation of firearms and ammunition into the territory.

9. No goods of foreign manufacture nor any packages of such goods bearing any names brands or marks purporting to be names brands or marks of manufacturers resident in the United Kingdom or any British possession and no base or counterfeit coin or stamps and no indecent or obscene prints paintings photographs books cards or lithographic or other engravings or any other indecent or obscene articles shall be imported or brought into the territory and if any of the goods enumerated herein shall be imported or brought in contrary to the provisions hereof the same shall be forfeited; provided that should the importation of any of the abovementioned goods or packages be allowed into any other territory within the Customs Union such goods shall be allowed to pass through the territory to any such other territory after due payment of the Customs duty if any payable thereon on importation into such other territory.

10. Every importer shall produce to the Examining Officer or other proper Officer of Customs for his inspection all the invoices and other documents relating to his goods and shall at his own risk and expense unload and reload remove to and from the warehouse open unpack repack and close up such of the packages as the Officer of Customs may require for examination and all charges incurred in the examination of goods for Customs purposes shall be borne by the importer.

11. Every person carrying on business in the territory shall keep or cause to be kept proper books and accounts of all his transactions and shall if required thereto produce such books the bills of lading rail notes invoices and other documents containing all particulars regarding imported and sold goods so that the same may be at all times open for inspection by the Controller of Customs or his deputies and that the same may be attached by him if necessary and any person who fails to comply with the provisions of this section shall be guilty of a contravention of this Proclamation.

12. Any person offering goods for sale or removing the same or having goods entered in his books or mentioned in documents as set forth in the last preceding section shall if required by the Controller of Customs or his deputies produce proof as to the origin of the goods and as to the place where the import dues thereon have been paid and also the date of such payment the marks and numbers of the cases packages bales or other receptacles in which the goods are contained which shall correspond with the documents produced in proof of payment of the import dues.

13. In all cases where the duties imposed upon the importation of goods into the territory are charged not according to the weight tale gauge or measure but according to the value thereof such value shall be ascertained by the declaration of the importer of such goods in the manner and form following that is to say:—

I, the undersigned, A.B., do hereby declare that the above is a true description and complete return of all the goods contained in the abovementioned packages and that the values given of the same are the true current value of same as defined by law, including the cost of packing and packages at the place where the goods were purchased or imported into Barotziland North-Western Rhodesia.

Witness my hand the day of

The above declaration signed in the presence of

C.D.,

Collector (or other proper officer).

which declaration shall be written on the Bill of Entry of such goods and shall be subscribed with the name of the importer thereof in the presence of the Officer of Customs; and the said values shall be the sums whereon duty shall be levied; provided that:

(1) if upon view and examination of such goods by the Officer of Customs it shall appear to him that the said goods are not valued according to the current value thereof at the place where the same were purchased then and in such case such Officer may if he deem it fitting to do so require the importer to declare on oath before him to the truth of the aforesaid declaration according to the best of the belief of such importer and to adduce any documentary evidence he may possess in support thereof;

(2) if it shall appear to the Officer of Customs whether such oath as aforesaid shall have been required or not that such goods have been declared at a value below the current value thereof at the place where the same were purchased the goods shall in such cases be examined by two competent persons one to be nominated and appointed by the Controller of Customs and the other by the importer and such two persons shall before entering into the enquiry appoint an umpire and shall then declare on oath before the Officer of Customs what is to the best of their knowledge and belief the current value of such goods at the place where the same were purchased and in case such persons shall not agree then the declaration of such value on oath as aforesaid of the umpire shall be final;

(3) if any importer shall fail within three days from his being required to do so by the Officer of Customs to make an appointment as hereinbefore provided or if no declaration shall be made by the person appointed or by the umpire selected by them within three days from their appointment or selection then in any such case the declaration of the person to be appointed as aforesaid by the Controller of Customs shall be final and the duties shall be charged and paid upon the value as ascertained and declared in conformity therewith;

(4) should the value so ascertained and declared under any of the provisions hereinbefore contained for arbitration exceed by fifteen per cent. and not by thirty per cent. the value originally declared by the importer there shall be payable on such goods double the amount of duty otherwise chargeable thereon;

(5) should the value so ascertained and declared as aforesaid exceed by thirty per cent. and not by sixty per cent. the value originally declared by the importer then there shall be payable on such goods four times the amount of duty otherwise chargeable thereon;

(6) should the value so ascertained and declared as aforesaid exceed by sixty per cent. or upwards the value originally declared by the importer then such goods shall be forfeited;

(7) should the importer of such goods refuse to pay the duties imposed thereon under the preceding sub-sections (4) and (5) the proper Officer of Customs shall take and secure the same and shall cause the same to be publicly sold within the space of one month after such refusal at such time and place as such Officer shall by four or more days' public notice appoint for that purpose. The goods shall be sold for cash to the highest bidder and the proceeds shall be applied in the first place in payment of the said duty together with the charges which shall have been occasioned by the said sale and all costs and charges of arbitration and the overplus if any shall be paid to such importer or any other person authorised to receive the same.

14. The term "current value" in the last preceding section referred to shall be taken to be the true current value on the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturers or suppliers in normal quantities including the cost of packing and packages but not including agents' commission if it does not exceed 5 per cent.; provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase.

15. For the purpose of the entry for Customs and collection of duty on goods imported into the territory by parcels post the form or label affixed to the parcel under the Postal Regulations shall be deemed to be an entry made under the provisions of this Proclamation and the statement of value entered on such form and signed by the sender shall take the place of the declaration required to be made by the importer in

the first portion of the preceding section of this Proclamation for the purpose of ascertaining the value of articles on importation into the territory and all goods contained in any packets imported by parcels post and found not to agree with the value entered on the above-mentioned form or label shall be subject to the penalties prescribed for under-valuation.

16. The Administrator may from time to time

(1) appoint such places as may be deemed requisite for the importation and exportation of goods as ports of entry into or departure from the territory and define routes in the territory over which such goods must be conveyed to their destination; such places and routes shall be approved by the High Commissioner and declared by him by notice in the *Gazette*;

(2) appoint certain places and warehouses in the territory at and in which goods imported into the same without payment of the duties on importation may be warehoused under bond;

(3) revoke any of the appointments referred to in this section.

All ports or entry routes places and warehouses appointed and defined heretofore under the provisions of section *twenty-three* of the Customs Proclamation (Barotziland) 1902 shall be deemed to have been appointed and defined under the powers of this section.

17. All wagons or other vehicles and all persons engaged in any manner in importing or bringing into the territory or exporting therefrom any goods shall be bound to enter or leave the territory at one or other of such places or ports of entry or exit and to follow such routes as may have been appointed or defined under the last preceding section and to comply with all such rules and regulations as may under the provisions of this or any other law be in force for the better protection of the revenue and trade of the territory.

18. The Administrator may from time to time subject to the approval of the High Commissioner make alter and repeal regulations

(1) for the importation removal and conveyance of all goods imported into and exported from the territory;

(2) for the rebate and suspension of duties;

(3) for the erection maintenance and control of bonded warehouses;

(4) for the due collection of duties in the territory;

(5) prescribing all the necessary forms bills and documents required for convenient and effective carrying out of the Customs laws and regulations and the collection of trade statistics;

(6) prescribing the functions and duties of all officers employed in the administration of this Proclamation;

(7) providing generally for the due and proper carrying out of the provisions of any law relating to Customs duties and giving effect to the true purposes and intentions of such law;

and may impose penalties for the breach of such regulations not exceeding upon conviction a fine of five hundred pounds or in default of payment of any fine inflicted imprisonment with or without hard labour for any period not exceeding two years. All such regulations and the approval thereof by the High Commissioner shall be promulgated by notice in the *Gazette*.

19. (1) Every importer of goods shall immediately upon their arrival make due entry of such goods at the Custom House and in default of such entry the Officer of Customs may convey such goods to the Public Warehouse for the security of the duties thereon and may charge and demand and receive warehouse rent at such rate as may be fixed with the sanction of the Administrator for or during such time as such goods shall remain in such warehouse.

(2) If any importer neglects within three months to duly enter his goods for payment of duty or warehousing the Controller of Customs may cause the same to be sold by public auction after not less than one month's public notice and the proceeds shall be applied in the first place in payment of the Customs duties and warehouse rent together with the charges which shall have been occasioned by the said sale and then of railage and other charges and the over plus (if any) shall be paid to the importer or proprietor or to any other person authorised to receive the same provided however that in the case of goods of a perishable nature and goods of which it is considered that the proceeds would not be sufficient to cover duties and charges the Controller of Customs may authorise their immediate sale.

20. If any goods which have been entered to be warehoused under bond shall not be duly carried into and deposited in the warehouse or shall afterwards be taken out of the warehouse without due entry and clearance or having been entered and cleared for exportation shall not be duly carried and exported or shall afterwards be re-imported except with the permission of the proper Officer of Customs such goods shall be forfeited and the proprietor or occupier of the bonded warehouse shall forfeit a sum not exceeding treble the value thereof or a penalty not exceeding one hundred pounds at the election of the Controller of Customs subject to the approval of the Administrator.

21. The Controller of Customs may remit the duties due upon warehoused goods which have been

(1) destroyed under proper Customs authority and supervision by the proprietor or other person having control over the same;

(2) abandoned in whole packages to the Officers of Customs for the duties which would otherwise have been chargeable thereon; or

(3) destroyed by fire or other unavoidable accident when in transit to a bonded warehouse, or in such warehouse or in transit for export.

22. The duties upon the following goods viz.: ale beer spirits wine in the wood unrefined sugar and unmanufactured tobacco when cleared from the warehouse for consumption shall be charged upon the quantity of such goods at the time of actual delivery thereof unless there is reasonable ground to suppose that any portion of the deficiency or difference between the quantity as ascertained upon the first entry thereof for warehousing and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper Officer of Customs shall make such allowance only for loss as he may consider justly to have arisen from natural evaporation or other legitimate cause; in no instance however are such allowances to exceed in the case of ale beer spirits and wine in the wood such as may be specified by the Administrator by notice in the *Gazette*.

23. Subject only to the allowances made in the two preceding sections all goods warehoused or re-warehoused shall be duly cleared whether for consumption or export according to the terms of the conditions of the bonds whereunder the same shall have been warehoused or re-warehoused.

24. If any goods—

(1) be imported into the Territory the Customs duties thereon not having been duly paid or secured according to law; or

(2) be made away with concealed or attempted to be concealed with a view to the evasion of the provisions of any laws relating to Customs; or

(3) be imported or removed in contravention of this Proclamation or of any regulation made thereunder

such goods shall be forfeited to the Administrator provided that such forfeiture shall not be taken to affect or remove any other fine or punishment which shall be incurred under or by virtue of this or any other law in force at the time for forfeiture.

25. All carriages or other vehicles and draught animals made use of in the removal of any goods liable to forfeiture under any law relating to the Customs shall be forfeited except it shall be shewn that the same were made use of in the removal of goods liable to forfeiture without the consent or knowledge of the owner thereof his agent or other person in possession or charge thereof with the consent of such owner.

26. All carriages or other vehicles goods or other things which shall have been or shall hereafter be seized as forfeited under any law relating to the Customs shall be deemed and taken to be condemned and may be dealt with in the manner hereinafter directed unless the person from whom such carriage or other vehicle goods or other things shall have been seized or the owner of them or some other person authorised by him shall within one calendar month from the day of seizing the same give notice in writing to the person

or persons seizing the same or to the Controller of Customs or other Principal Officer of Customs of the port where the same shall have been seized that he claims the carriage or other vehicle goods or other things or intends to claim them and in dafault of giving such notice as aforesaid no action suit or proceeding shall be capable of being brought or instituted against any Officer of Customs grounded merely upon the seizure of any of the carriages or other vehicles goods or other things so seized as aforesaid.

27. If any goods shall be stopped or seized for non-payment of Customs duties or for any other cause of forfeiture and any dispute shall arise whether duties have been paid upon the same or not or whether the same have been lawfully imported or laden the burden of proof of the affirmative of these facts as well as the burden of proof of the origin of the goods shall be on the person owning or claiming the goods and not on the officer who shall stop or seize the same.

28. All goods and vehicles which shall be seized as being liable to forfeiture under or in terms of any law now or hereafter in force relating to the Customs shall forthwith be taken to and delivered into the custody of the Customs Officer at the most convenient custom house and the said officer shall secure the same and after condemnation of such goods shall cause the same to be sold by public auction to the highest bidder: provided that the Administrator may direct that in lieu of such sale such goods shall be destroyed or shall be reserved for the public service.

29. Every person who shall knowingly by himself or by his agent in that behalf assist or be otherwise concerned in the unloading or removal or in harbouring any goods liable to forfeiture under this or any other law relating to the Customs or into whose hands the same shall knowingly come shall forfeit treble the duty-paid value thereof or the penalty of one hundred pounds at the election of the Controller of Customs and the statement in any proceeding instituted for the recovery of such penalty that the officer proceeding has elected to sue for the sum mentioned in the information shall be deemed sufficient proof of such election without any other or further evidence of such fact.

30. Every person who

(1) shall produce any false invoice;
(2) shall make any false representation in regard to the country in which any goods were grown produced or manufactured;
(3) shall counterfeit falsify procure or attempt to procure either under false pretences or with intent to defraud or to evade the provisions of this or any other law or regulation in force relating to the Customs any warrant permit certificate or other document required under any Customs law or who shall wilfully use or attempt to use any such document or who by making any false statement affidavit or declaration attempts to procure any such warrant permit or certificate or causes or attempts to cause the same to be prepared or drawn up for use;
(4) being required to make or render any statement declaration or return or to supply any information demanded or asked for shall neglect or refuse to do so or who shall make any untrue or false statement representation declaration or return or who shall conceal or make away with any goods required to be accounted for by any Customs Law;
(5) shall knowingly buy or receive any goods required to be accounted for by any Customs law before the duty payable thereon has been paid or secured;
(6) shall import or attempt to import or assist in or be accessory to or connive at the importing or attempted importing of any goods illegally or without payment of the duty thereon

shall be guilty of an offence and in addition to any penalties provided for by any Customs law shall be liable to a fine not exceeding five hundred pounds for each offence and in default of payment to imprisonment with or without hard labour for any period not exceeding two years or to both such fine and such imprisonment in addition to the forfeiture of the goods and vehicles and draught animals as provided for by sections *twenty-four* and *twenty-five* of this Proclamation.

31. Any person who contravenes any provision of the laws relating to Customs duties or any regulation made thereunder for the contravention of which no special penalty has been fixed shall upon conviction be liable to the penalties in the preceding section set out.

32. Every importer or exporter shall be responsible for any act committed by any person acting in his place or on his behalf whether the said act was done within the territory or beyond the boundaries thereof and the person so acting shall if within the territory be likewise liable for any penalties which may have been incurred under any laws relating to the Customs or any regulations made thereunder.

33. All penalties and forfeitures recovered under any law relating to Customs or any regulation made thereunder shall be paid to the British South Africa Company in its local treasury and shall be divided paid and applied as follows that is to say:—After deducting the charges of prosecution if any and of the cost of sale two-thirds of the net produce shall be paid into the said treasury and the other third part shall be placed at the disposal of the Administrator for the purpose of granting thereout such sums of money or the whole thereof to such officer or officers or other persons as may have rendered efficient service either by information or active assistance leading to the recovery of such penalty or forfeiture and the balance of such third part if any shall be repaid to the treasury.

34. If any Customs Officer shall take or receive any fee gratuity or reward whether pecuniary or of any other sort or description whatsoever directly or indirectly from any person (not being a person lawfully authorised in that behalf) on account of anything done or to be done by him in or in any way relating to his office every such officer so offending shall on proof thereof to the satisfaction of the Administrator be dismissed from his office and if any person (not being a person lawfully authorised in that behalf) shall give offer or promise to give any such fee gratuity or reward; such person shall for every such offence forfeit a sum not exceeding one hundred pounds.

35. The Administrator may

(1) direct that any vehicle or animal seized under this or any other law relating to the Customs shall be delivered to the proprietor or proprietors thereof whether condemnation shall have taken place or not;
(2) remit in whole or in part any penalty or fine incurred under this or any such law; or
(3) release from confinement any person detained under this or any other law relating to the Customs on such terms and conditions as the Administrator may deem fit.

Provided always that no person shall be entitled to the benefit of any order for such delivery mitigation remission or release unless such terms and conditions are fully and effectually complied with; and provided that if the owner of the goods seized as aforesaid shall accept the terms and conditions prescribed by the Administrator he shall not have or maintain any action for recompense or damage on account of such seizure or detention and the person making such seizure shall not proceed in any manner for condemnation.

36. The Controller of Customs or any Officer to whom the duty of collecting Customs duty may be assigned shall have and is hereby vested with power and authority to administer an oath or require and attest a solemn declaration in every case wherein by this or any other law relating to the Customs an oath affidavit or solemn declaration is permissible or required and in the event of the conviction of any person for making a false oath or declaration such person shall be subject and liable to the same penalties or punishments respectively as in a conviction for perjury or making a false declaration.

37. Every Officer of Customs is hereby invested for the protection of the revenue with the several powers following:—

(1) he shall have free access to every store shop or other structure for the reception of goods

and every vehicle conveying or suspected or supposed to be conveying goods with power to seal mark or otherwise secure any package there found;

(2) he may board search and freely remain on any train in the pursuance of his duties;

(3) if any such store shop or other structure or if any box or package be locked and the keys shall not be produced when demanded he may open any such place box or package in the best manner in his power;

(4) he shall have the right to examine rummage or search every part of any such place or vehicle as is above mentioned in sub-sections (1) and (2) for any purpose thereby authorised and to take an account of all dutiable articles found therein and samples of any such articles upon payment of the current price or value of any samples so taken;

(5) he may search any person should he have good reason to suppose that such person has any dutiable or prohibited goods secreted about his person or in his or her possession; provided that before any person shall be searched by any Officer as aforesaid such person may require such Officer to take him or her before the Principal Officer of Customs of the port or station who shall if he sees no reasonable cause for search discharge such person but if otherwise direct such person to be searched; and provided further that a female shall not be searched by any other than a female;

(6) any officer required to take such person before such Principal Officer of Customs shall do so with all reasonable despatch and any Officer failing to do so shall forfeit the sum of twenty pounds.

(7) he shall have the right to demand inspection of the books invoices or other documents of every person carrying on any business and to make copies or entries therein or extracts therefrom relating to the importation purchase sale or delivery of goods and to attach the same if necessary;

(8) upon any such examination or inspection as is referred to in the last preceding sub-section he shall have the right to put such questions as may be requisite for obtaining all necessary information.

38. Any person who shall assault resist oppose molest hinder or obstruct any Officer of the Customs in the exercise of his duty or any person acting in his aid shall upon conviction be liable to a fine not exceeding five hundred pounds or in default of payment to be imprisoned with or without hard labour for any period not exceeding two years or to both such fine and imprisonment.

39. No summons shall be taken out against nor a copy of any process served upon any Officer of the Customs for anything done by him in pursuance of any law relating to the Customs until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the party who intends to sue out such writ or process in which notice shall be clearly and explicitly contained the cause of the action and the name and the place of abode of the person who is to bring such action and the name and the place of abode of the Attorney or agent and no evidence of the cause of such action shall be produced except of such cause as shall be contained in such notice and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given and in default of such proof the defendant shall receive in such action a verdict and costs.

40. Every such action shall be commenced within three months after the accruing of the cause thereof and if the plaintiff shall discontinue the action or if judgment shall be given against him the defendant shall receive as costs full indemnity for all expenses incurred by him in or about the cause of action and have such remedy for the same as any defendant can have in other cases where costs are given by law.

41. In case any action or suit instituted by the British South Africa Company shall be brought to trial on account of any seizure made under any law relating to the Customs and judgment shall be given for the defendant and the Court before which such cause shall have been tried shall find and adjudge that there was reasonable cause of seizure the defendant shall not be entitled to any costs of suit; and in case any action or suit shall be brought by any person against any Officer of Customs for or on account of any such seizure by such Officer made wherein judgment shall have been given for the plaintiff such plaintiff in case the Court by and before which such cause shall have been tried shall find and adjudge that there was reasonable cause of seizure shall recover only the things seized or the value thereof without costs of suit.

42. In the event of any increase decrease or repeal of Customs duty chargeable upon any article after the making of any contract or agreement for the sale or delivery of any such article duty paid in the absence of special provision in the contract the seller may in case such increase shall accrue before the clearance or delivery of such article at such increased duty having paid such increased duty add so much money to the contract price as will be equivalent to such increase of duty and he shall be entitled to be paid and to sue for and recover the same; and the purchaser may under any such contract or agreement in case such decrease or repeal shall take effect before the clearance or delivery at such decrease of duty or free of duty as the case may be deduct so much money from the contract price as will be equivalent to such decrease of duty and he shall not be liable to pay or be sued in respect of such deduction.

43. Notwithstanding anything to the contrary contained in any law now in force the Stamp Duties set forth in the Schedule to this Proclamation shall be chargeable and payable in the manner provided in the said Schedule.

GOD SAVE THE KING.

Given under my Hand and Seal at Wepener Orange River Colony this Twenty-ninth day of June One thousand Nine hundred and Six.

Selborne
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. Rodwell
Imperial Secretary.

SCHEDULE.

TARIFF OF STAMP DUTIES.

	s.	d.
For every bond relating to bonded goods when the amount for which such bond is made does not exceed £500	2	6
For every additional £100 or fraction thereof	0	6
For each form of entry, inwards or outwards, including duplicates or triplicates	0	6

One or more stamps to the value specified shall be affixed to the documents, which stamps shall be effectively cancelled by the person delivering such bond or entry to the Customs.

EXEMPTIONS.—Entries passed on behalf of the Imperial Government or the British South Africa Company.

No.13 of 1906.

SANCTIONED

C O
37821
RECD
13 OCT 06

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by Proclamation No.2 of 1903 a duty is imposed on cattle exported from the territory included within the limits of the Barotziland North-Western Rhodesia-Order-in-Council,1899, (hereinafter referred to as "the territ-ory") and certain places are appointed to be ports of exit for the purposes of the said Proclamation:

AND WHEREAS it is expedient to exempt from such duty cattle in transit through the territory from North-Eastern Rhodesia and the adjacent territories:

AND WHEREAS it is further expedient to appoint Feira to be a port of exit in addition to the places aforesaid:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The duty imposed by Proclamation No.2 of 1903 shall not be payable in respect of cattle in transit through the territory from North-Eastern Rhodesia and the adjacent territories, to other adjacent territories.

2. Feira shall be and is hereby appointed to be a port of exit for the purposes of Proclamation No.2 of 1903.

3. This Proclamation shall be read as one with Proclamation No.2 of 1903 and shall have force and take effect from and after the ninth day of July 1906.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Bloemfontein this thirtieth day of June, one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No.14 of 1906.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient and desirable to prohibit the export of breeding cattle from the territory included within the limits of the Barotziland North-Western Rhodesia Order-in-Council,1899, (hereinafter referred to as "the territory"):

NOW, THEREFORE, under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

1. Notwithstanding anything in Proclamation No.2 of 1903 contained the export of cows, heifers and heifer calves from the territory shall be and is hereby prohibited.

2. Any person who shall export or attempt to export any cow, heifer or heifer calf from the territory shall be liable on conviction to a fine not exceeding ten pounds for each animal so exported or attempted to be exported, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months unless such fine be sooner paid.

3. This Proclamation shall not apply to cows, heifers and heifer calves in transit through the territory from North-Eastern Rhodesia and the adjacent territories, to other adjacent territories.

4. This Proclamation shall have force and take effect from and after the ninth day of July, 1906, but may be suspended on that or any subsequent date for such period as the Administrator may think fit; provided that such suspension and the period thereof be notified in the Gazette.

G O D S A V E T H E K I N G!

G I V E N under my Hand and Seal at Bloemfontein this thirtieth day of June, one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

N. W. Rhodesia

No. 15 of 1906.

C O.
37824
Rec'd
13 OCT 06

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to make provision for the solemnization of marriages between persons of European descent in the territory included within the limits of the Barotziland North-Western Rhodesia Order-in-Council 1899 (hereinafter referred to as "the territory") and for the due registration of such marriages:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. In this Proclamation unless inconsistent with the context "Registrar" means a Registrar of Marriages appointed under Section three and any person lawfully acting in such capacity. "Registrar General" means any person whom the Administrator may appoint to be or act as Registrar General of Births Marriages and Deaths for the territory. "District" means a marriage District constituted under Section two of this Proclamation. "The Company" means the British South Africa Company. "Affidavit" includes solemn declaration. "Month" means calendar month. The plural includes the singular and the singular the plural and the masculine the feminine.

2. The Administrator shall by Notice in the Gazette divide the territory into Marriage Districts for

- the -

the purposes of this Proclamation and may from time to time by like Notice alter or adjust the boundaries of such Districts or may unite two or more Districts into one or subdivide a District so constituted into two or more Districts or may constitute new Districts from portions of Districts previously constituted.

3. The Administrator shall from time to time appoint a fit and proper person to be the Registrar of Marriages for each District and may revoke such appointment and may also from time to time appoint any person to act in the absence or during the illness or incapacity of any Registrar and may revoke such appointment.

4. (1) Every Registrar shall -

(a) have an office at such place in his District as the Administrator shall from time to time direct;

(b) keep at such office a book to be called "The Marriage Notice Book"and another book to be called "The Marriage Registe-r Book" and shall make such entries therein respectively as are hereinafter prescribed;

(c) keep at the office aforesaid a sufficient supply of Forms of Notice of Marriage and of Book certificates with counterfoils and of such other forms as may from time to time be required.

(2) Every Marriage Notice Book and Marriage Register Book may be inspected and searched by any adult person during office hours without fee.

5. The Administrator may licence any place of Public Worship to be a place for the solemnization of

- marriages -

marriages and may cancel any such licence; provided that the licensing of any such place or the cancellation of such licence shall be notified in the Gazette.

PRELIMINARIES OF MARRIAGE.

6. From and after the date of the taking effect of this Proclamation no marriage shall be solemnized unless one of the parties to the intended marriage shall first have signed and given to the Registrar of the District in which it is intended that the marriage should take place a notice in the Form A in the First Schedule hereto and at the same time shall pay therefor the fee prescribed in the Second Schedule hereto.

7. If the person giving such notice is unable to write or is insufficiently acquainted with the English language or both then it shall be sufficient if he place his mark or cross thereto in the presence of some literate person who shall attest the same: every such attestation shall be in the form B in the First Schedule hereto.

8. Every Registrar shall supply Forms of Notice gratuitously to any person applying for the same.

9. Upon receipt of any such notice together with the prescribed fee the Registrar shall cause such notice to be entered in the Marriage Notice Book and shall forthwith publish such notice by causing a copy of the same to be affixed to the outer door of his office and to be kept exposed thereon until he shall grant his Certificate as hereinafter mentioned or until three months shall have elapsed from the receipt of the notice.

10. (1) The Registrar at any time after the expiration of twenty-one days and before the expiration of three

months from the date of receipt of any notice of marriage shall upon payment of the fee prescribed in the Second Schedule hereto issue his certificate in the form C in the First Schedule hereto: provided always that no such certificate shall be issued until the Registrar has been satisfied by affidavit -

(a) that one of the parties has been resident within the District in which the marriage is intended to be solemnized at least fifteen days preceding the granting of the certificate;

(b) that each of the parties to the intended marriage (not being a widower or widow) is twenty-one years of age or upwards or that if under that age the written consent hereinafter prescribed has been obtained (which written consent shall (be annexed to such affidavit);

(c) that the parties to the intended marriage are not within the prohibited degrees of kindred or affinity;

(d) that there is no other lawful impediment to the intended marriage.

(2) Such affidavit may be sworn or declared before the Registrar or before a Magistrate.

(3) The Registrar or Magistrate taking such affidavit shall explain to the person making the same What are the prohibited degrees of kindred and affinity and the penalties which may be incurred under the provisions of this Proclamation.

11. If the marriage shall not take place within three months after the receipt of any notice together with the prescribed fee the notice and all proceedings consequent

- thereupon -

thereupon shall be void and fresh notice must be given and a fresh fee be paid before the parties can lawfully marry.

12. The Administrator upon proof being made to him by affidavit that there is no lawful impediment to any proposed marriage and that the necessary consent if any to such marriage has been obtained may if he shall think fit dispense with the giving of notice and with the issue of the certificate of the Registrar and may grant his licence which shall be according to ~~the~~ form D in the First Schedule hereto authorising the solemnization of a marriage between the parties named in such licence by a Registrar or by a recognised Minister of some religious denomination or body.

13. Any person whose consent to a marriage is hereby required or who may know of any lawful impediment why the marriage should not take place may enter a caveat against the issue of the Registrar's certificate by writing at any time before the issue thereof the word "Forbidden" opposite to the entry of the Notice in the Marriage Notice Book and appending thereto his name and place of abode and the grounds upon or by reason of which he claims to forbid the issue of the certificate and the Registrar shall not issue his certificate until such caveat shall be removed as hereinafter provided.

14. Whenever a caveat is entered against the issue of a certificate the Registrar shall refer the matter to the Administrator's Court and that Court shall thereupon summon the parties to the intended marriage and the person by whom such caveat is entered and shall require the person by whom such caveat is entered to show cause why the Registrar should not issue his certificate and shall hear

- and -

and determine the case in a summary way and the decision of the Court shall be final.

15. If the Administrator's Court decides that the certificate shall be issued it shall order the Registrar to remove such caveat by cancelling the word "Forbidden" in the Marriage Notice Book in ink and writing in such Marriage Notice Book immediately below such entry and cancellation the words "Cancelled by order of the Administrator's Court" and signing his name thereto. When such caveat shall have been so removed the Registrar shall issue his certificate and the marriage may proceed as if such caveat had not been entered, but the time that has elapsed between the entering and the removal of such caveat shall not be computed in the period of three months specified in Section ten.

16. The Administrator's Court may award damages and costs to the party injured if it appear that a caveat was entered on insufficient grounds.

CONSENT TO MARRIAGE IN CERTAIN CASES NECESSARY.

17. If either party to an intended marriage not being a widower or widow is under twenty-one years of age the written consent of the father or if he be dead or of unsound mind or absent from the territory of the mother or if both be dead or of unsound mind or absent from the territory of the Guardian of such party shall be produced and annexed to such affidavit as aforesaid before a licence can be granted or a certificate issued.

18. (1) If the person required to sign such consent is unable to write or is insufficiently acquainted with the English language or both then he shall sign

such consent by placing his mark or cross thereto in the presence of one of the following persons:- any Judge,Magistrate,Justice of the Peace,Civil or Native Commissioner,Secretary to Government Clerk of the Administrator's Court, Registrar of Marriages, Registrar of Deeds, Medical Officer in the service of the Company or recognised Minister of some religious denomination or body;

(2) Such signature shall be attested by such person in the form B in the first Schedule hereto.

19. If there is no parent or guardian of such party residing in the territory and capable of consenting to the marriage then any of the following persons may consent to such marriage in writing upon being satisfied after due inquiry that the marriage is a proper one; that is to say the Administrator a Judge of the Administrator's Court or a Civil or Native Commissioner; and such consent shall be as effectual as if the father or mother had consented.

SOLEMNIZATION OF MARRIAGE.

20 Marriages may be solemnized in any licensed place of worship by any recognised Minister of the denomination or body to which such place of worship belongs and according to the rites or usages of marriage observed in such denomination or body provided that the marriage be solemnized with open doors between the hours of eight o'clock in the forenoon and six o'clock in the afternoon and in the presence of two or more witnesses other than the officiating Minister.

21. A Minister shall not solemnize any marriage if he knows of any lawful impediment to such marriage nor

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until the parties deliver to him the Registrar's certificate or the Administrator's licence.

22. A Minister shall not solemnize any marriage except in a building which has been duly licensed by the Administrator or in such place as the Administrator's licence may direct.

23. The Administrator shall cause to be printed and delivered to the several Registrars and to the recognized Ministers of licensed places of worship books of marriage certificates in duplicate and with counterfoils in the form E in the first Schedule hereto; such books shall be kept by the several Registrars and ~~the~~ the recognized Ministers for the time being of such places of worship under lock and key and be in the custody of such Registrar and Ministers, respectively.

24. Immediately after the solemnization of any marriage by a Minister the officiating Minister shall fill up in duplicate a Marriage Certificate with the particulars required by the said form E and state also and enter in the counterfoil the number of the certificate and date of the marriage the names of the parties and the names of the witnesses.

25. The certificate and the counterfoil shall then be signed in duplicate by the officiating Minister and the certificate by the parties and by two or more witnesses to the marriage. The Minister shall then sever the duplicate certificates from the counterfoils and shall deliver one certificate to the parties and shall within seven days thereafter transmit the other to the Registrar of Marriages for the District in which the marriage takes place, who shall file the same in his office.

26. After the issue of a certificate under Section ten or Section fifteen or a licence under Section twelve the parties may if they think fit on payment of the prescribed fee contract a marriage before a Registrar in the presence of two witnesses in his office, with open doors between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and in the following manner:-

The Registrar after production to him of the certificate or licence shall either directly or through an Interpreter (if necessary) address the parties thus:-

"Do I uhderstand that you A. B. and you C. D. come here for the purpose of becoming man and wife".

If the parties answer in the affirmative, he shall proceed thus:-

"Know ye that by the public taking of each other as "Man and Wife in my presence and in the presence of the "persons now here and by the subsequent attestation thereof "by signing your names to that effect you become legally "married to each other although no other rite of a civil "or religious nature shall take place and that this marriage "cannot be dissolved during your lifetime except by a valid "judgment of divorce and if either of you before death of "the other shall contract another marriage while this "remains undissolved you will be thereby guilty of bigamy "and liable to punishment for that offence".

Each of the parties shall then say to the other: "I call upon all persons here present to witness that I "A. B. do take thee C. D. to be my lawful wife (or "husband)".

27. The Registrar shall then fill up and he and the parties and witnesses shall sign the Certificate of the

marriage in duplicate and the Registrar shall then fill up and sign the Counterfoil as hereinbefore prescribed in the case of a marriage by a Minister and shall deliver one Certificate to the parties and shall file the other in his office.

28. Whenever the Administrator's licence authorises the solemnization of marriage at a place other than a licensed place of worship or the Office of a Registrar of Marriages the Registrar of the District in which such marriage is intended to take place upon the production of such licence shall deliver to the person producing the same a blank Certificate of Marriage in duplicate and the Minister or Registrar celebrating such marriage shall fill up such Certificate and observe strictly all the formalities hereinbefore prescribed as to marriages in a licensed place of worship or Registrar's Office as the case may be and shall give one Certificate to the parties and return the other to the Registrar who supplied the same who shall file the same in his Office and from the materials therein contained shall fill in the duplicate counterfoil and sign the same adding a Statement that the marriage was under Administrator's licence dated the day of 19 (filling in the date) and that the statements in the Counterfoil are taken from the Certificate.

REGISTRY AND EVIDENCE OF MARRIAGES.

29. (1) The Registrar of Marriages in each district shall forthwith register in the Marriage Register Book every Certificate of Marriage which shall be file-d in his Office according to the form F. in the first Schedule hereto and every such entry shall be made in the order of date from the beginning to the end of the

- book -

book and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar and such book shall be indexed in such manner as is best suited for easy reference thereto.

(2) The Registrar shall give certified copies of entries in the Marriage Register Book upon payment of the prescribed fee.

(3) Within ten days after the last day of each month every Registrar shall send to the Registrar-General a certified copy of all entries made by him during the preceding month in the Marriage Register Book of his District and the Registrar General shall file the same in his Office.

30. Any Registrar when authorised by the Registrar-General may correct any clerical error in any Certificate of Marriage filed in his Office upon production to him of the Certificate delivered to the parties and shall authenticate every such correction by his signature and the date of such correction.

31. Every Certificate of Marriage which shall have been filed in the Office of the Registrar of any District or a copy thereof purporting to be signed and certified as a true copy by the Registrar of such District and every entry in a Marriage Register Book or copy thereof certified as aforesaid shall be admissible as evidence of the marriage to which it relates in any Court of Justice or before any person now or hereafter having by law or consent of parties authority to hear receive and examine evidence.

INVALID MARRIAGES.

32. (1) No marriage solemnized in the territory shall be valid which if solemnized in England would

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be null and void on the ground of the parties thereto being within the prohibited degrees of kindred or affinity.

(2) A marriage shall be null and void if both parties knowingly and wilfully acquiesce in its solemnization

(a) in any place other than the office of a Registrar of Marriages or a licensed place of worship except where authorised by the Administrator's licence;

(b) under a false name or names;

(c) without the Registrar's Certificate of Notice or Administrator's licence duly issued;

(d) by a person not being a recognised Minister of some religious denomination or body or a Registrar of Marriages.

(3) Provided that no marriage shall after its solemnization be deemed invalid by reason that any of the provisions of this Proclamation (other than the provisions of Sub-Section (2) of this Section) have not been complied with.

33. Save as aforesaid all marriages solemnized in accordance with the provisions of this Proclamation shall be legal and valid in law to all intents and purposes.

34. (1) All marriages solemnized prior to the taking effect of this Proclamation by a recognized Minister of a religious denomination or body according to the rites in use by such religious denomination or body shall be as valid to all intents and purposes as if such marriage had been duly solemnized under the provisions of this Proclamation provided:-

(a) that neither party to such marriage shall since

its solemnization have lawfully inter-married in any country colony or territory with any other person;

(b) that such marriage shall on the application of both parties thereto (if alive) or of the Survivor (if either party be dead) be registered by the Registrar of the District in which such applicants or applicant shall reside;

(c) that such Registrar shall have satisfied himself by the production to him of a marriage certificate or other proof that such marriage was solemnized as aforesaid and that all the requirements of this Section are fulfilled.

Upon such registration a certificate shall be delivered by the Registrar to the applicants or applicant therefor.

(2) Every certificate issued and every registration effected under this Section shall be respectively in the forms E. and F. in the Schedule hereto as nearly as the circumstances will allow provided that books of marriage certificates and marriage register books shall be kept and used for the issue and registration of any such certificate separately from those mentioned in Sections twenty-three and twenty-nine; provided further that the provisions of Sections twenty-three twenty-nine thirty and thirty-one and all other provisions of this Proclamation relative to marriage certificates and marriage registers shall mutatis mutandis apply to certificates issued and registers kept under this Section.

35. Every Minister of Religion or other person in the territory who has in his custody or control any Register, record or paper purporting to be such of Marriages hereto-

-fore -

fore celebrated in the territory shall on or before the day of 190 deliver or transmit to the Registrar-General the said Register or Official Record or a copy thereof omitting if desired any matter of a private nature with a certificate appended thereto in the following form:-

"I, A. B. of (here describe place of abode and position) "do certify that the annexed written pages contain the true "record (excepting matters of a confidential nature) of the "marriages celebrated in (here name Church).

" Dated the day of 190 .

(Sgd.) A. B.

36. The Administrator may defray out of the general revenue of the territory all proper expenses connected with the transmission or delivery of the said registers or which may otherwise become necessary to be incurred in carrying out the provisions of this Proclamation.

F E E S.

37. The fees specified in the second Schedule ~~hereto~~ hereto shall be paid to the Registrars for the several matters to which they are applicable and shall be paid by them into the Treasury, provided always that it shall be lawful for the High Commissioner by Notice in the Gazette to alter the amounts of any such fees and upon publication of any such Notice any fees so altered shall be deemed to have been prescribed in the said second Schedule.

38. The Administrator may when he is satisfied of the poverty of the parties reduce the amount of any such fees or remit them altogether and if they have been paid into the Treasury order their refund.

39. This Proclamation shall not preclude a Minister from receiving the fees ordinarily paid to a Minister of his denomination or body from the solemnization of marriage.

OFFENCES AND PENALTIES.

40. Any person who shall commit the crime of bigamy shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

41. Any person who being unmarried goes through the ceremony of marriage with a person whom he knows to be married to another person shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

42. Any person who in any affidavit certificate licence document or statement made in accordance with this Proclamation or issued for the purposes of a marriage, swears declares enters certifies or states any matter which is false and material to the purpose of such document without having taken reasonable means to ascertain the truth or falsity of such matter shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding one year and if he swears declares enters certifies or states any such matter aforesaid knowing the same to be false shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

43. Any person who endeavours to prevent the solemnization of a marriage by pretending that his consent thereto is required by law or that any person whose consent is so required does not consent or that there is any lawful impediment to the solemnization of such marriage knowing

- that -

that such pretence is false or having no reason to believe that the same is true shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding two years.

44. Any person who performs or witnesses as a marriage officer the ceremony of marriage knowing that he is not duly qualified so to do or knowing that any fact or observance required by law for the validity of such marriage has not occurred or been complied with and the marriage is thereby rendered void or unlawful on any ground shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

45. Any person who being under a duty to fill up the certificate of a marriage solemnized by him or the co-unterfoil thereof or to transmit the same to the Registrar of Marriages wilfully fails to perform such duty shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding two years.

46. Any person who personates any other person in a ceremony of marriage or goes through such ceremony under a false name or description with intent to deceive the other party thereto shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

47. Any person who goes through the ceremony of marriage or any ceremony which he represents to be a ceremony of marriage knowing that the marriage is void on any ground and that the other person believes such ceremony to constitute a valid marriage shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years.

F O R M S.

48. The forms contained in the first Schedule hereto shall be used in all cases but with such alterations as may be necessary by reason of their inapplicability to particular cases and it shall be lawful for the High Commissioner by Notice in the Gazette to alter any such forms from time to time and any forms so altered shall be deemed to be contained in such Schedule.

49. This Proclamation shall have force and take effect on the 16th day of July, 1906 and shall only apply to marriages between persons of European descent.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria this 3rd day of July, one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

FIRST SCHEDULE

FORM A

NOTICE OF MARRIAGE

To the Registrar of Marriages for the ..... district of Barotziland, North Western Rhodesia.

I hereby give you notice that a marriage is intended to be had within three months from the date hereof between me the undersigned and the other party herein named.

Name	Condition	Occupation, Rank or profession	Age	Dwelling or place of abode	Consent if any and by whom given.
Bridegroom	Bachelor or Widower	Farmer &c. (as the case may be)	23		
Bride	Spinster or Widow	Laundress (as the case may be)	18		Father.

WITNESS my hand this day of 190.

(Signature)

(Form B.)

FORM B.

FORM OF ATTESTATION

Signed by the said at

on the day of 190 this notice

(or consent) having been first read over to him (her) (or

read over and truly interpreted to him (her) in the

language) by He (She) seemed

to understand the same and made his (her) mark thereto

in my presence.

(Signed)

FORM C.

REGISTRAR'S CERTIFICATE

I Registrar of Marriages in the District of Barotziland North Western Rhodesia do hereby certify that on the day of Notice was duly entered in the Marriage Notice Book of this District of the marriage intended between the parties herein named and described such Notice being delivered under the hand of one of the parties that is to say

Name	Condition	Occupation, Rank or profession	Age	Consent	Dwelling	Length of Residence.
A.B.	Bachelor	Cultivator (as the case may be)	19 as case may be	E.F.the Father (as case may be)	As case may be	
C.D.	Spinster	Laundress (as case may be)	16 as case may be	G.H.the mother (as case may be)	As case may be.	

Date of Notice entered

Date of Certificate given 190.

190

No Caveat has been entered against the issue of this Certificate or A Caveat was entered against the issue of this Certificate on the day of 190 . but it has been cancelled

WITNESS my hand this day of 190 .

(Signed) A.B.

Registrar of Marriages.

District.

NOTE. This Certificate will be void unless the marriage is solemnized on or before the day of 190.

A.B.

FORM D.

SPECIAL LICENCE.

WHEREAS A.B. and C.D. desire to intermarry and sufficient cause has been shown to me why the preliminaries required by Proclamation No. 15 of 1906 should be dispensed with.

NOW THEREFORE in pursuance of the said Proclamation I do dispense with the giving of Notice and the issue of the Certificate thereby prescribed and do hereby authorise any Registrar of Marriages or recognised Minister of some religious denomination or body to solemnize marriage between the said A.B. and C.D. at (place of solemnization) within days from the date hereof.

Such marriage may be solemnized by a Registrar of Marriages between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon or by such recognised Minister between the hours of 8o'clock in the forenoon and 6 o'clock in the afternoon.

Given under my hand this day of 190 .

(Signed)

Administrator.

FORM E.

North Western Rhodesia

Section twenty-four

Marraiges celebrated in the

at

in the Territory

of Barotziland North Western Rhodesia.

CERTIFICATE OF MARRIAGE

No.	When married	Names & Surnames	Full age or minor	Condition	Rank or profession	Residence at time of marriage	Father's name & surname	Occupation, Rank or Profession of Father.
190								

Name of Husband

Name of Wife

Witnesses

North Western Rhodesia

Section twenty-five

Marriages celebrated in the

at in the Territory of

Barotziland, North Western Rhodesia.

CERTIFICATE OF MARRIAGE

No	When married	Names & Surnames	Full age or minor	Condition	Rank or profession	Residence at time of marriage	Father's name & surname	Occupation, rank or profession of father.
190								

Name of Husband

Name of Wife.

Witnesses.

FORM (E) continued.

Married at by
(or before me) A. B.
Minister (or Registrar)
(as the case may be)

This marriage)
was celebrated) A.B.
between us)
) C.D.

(in the) E.F.
(presence)
(of us) G.H.

Witnesses.

Married at by
(or before) me A.B.
Minister (or Registrar)
(as the case may be)

This marriage)A.B(in the)E.F.
was celebrated) (pres-)
between us)C.D(ence)G.H.
of us

Witnesses.

W.

FORM (F)

FORM F.

When married	Names & Surnames	Whether full age or minor	Condition	Occupation	Residence	Father's name & occupation

Entered this day of 190 . at the District Registry of Marriages.

(Signed) A.B.

Registrar.

SECOND SCHEDULE

	£	s	d
On giving Notice of Marriages		3.	0
On issue of each Certificate or certified copy of a Certificate		2.	6
Certifying any extract		2.	6
On every Marriage in Registrar's Office		5.	0
Special Licence	5.	5.	0

No. 16 of 1906.

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SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend Proclamation No.1 of 1905 relating to the preservation of game within the territory defined by the Barotziland-North Western Rhodesia Order-in-Council 1899 (hereinafter referred to as"the territory":

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything in Section five of Proclamation No.1 of 1905 contained:

(a) The holder of a Special Licence may under such licence hunt and kill the following animals mentioned in Schedule Three of the said Proclamation that is to say three eland bulls and one koodoo bull;

(b) The holder of a Special Licence may under such licence hunt and kill any game mentioned in the said Schedule Three save and except elephant giraffe and rhinoceros; provided that game authorised hereby to be hunted under a Special Licence be within an area infected with tsetse fly the burden of proving which

- shall -

shall in any prosecution lie upon the person hunting such game;

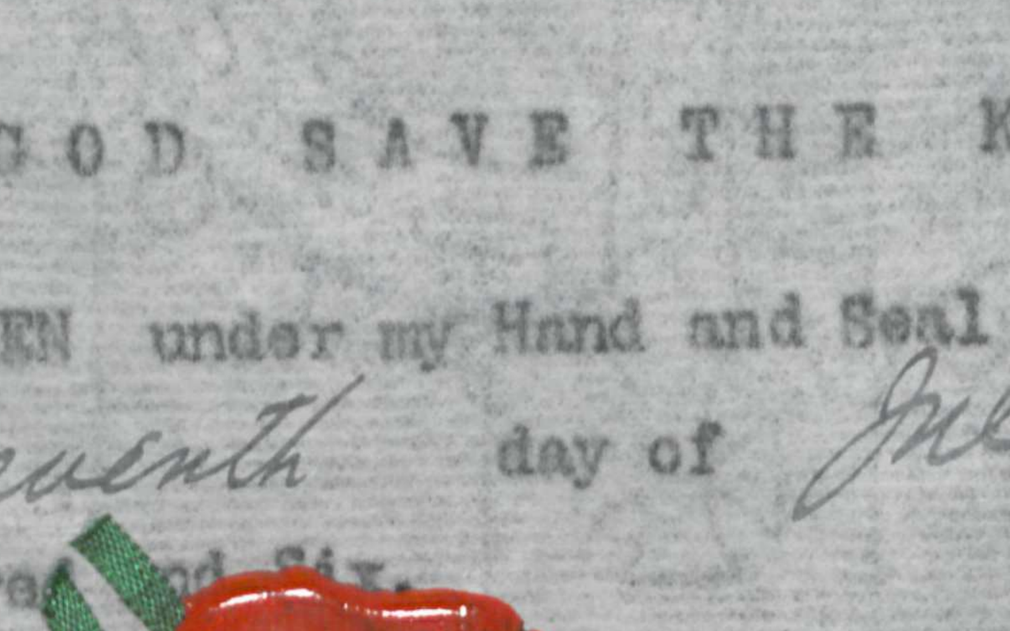
(c) Any European member of a recognized Missionary Society which carries on its work in the territory may under the authority of an ordinary licence hunt and kill game mentioned in Schedule Two of the said Proclamation not exceeding ten head of such game.

2. Notwithstanding anything in Sections twenty-four to twenty-nine inclusive of the said Proclamation it shall be lawful for any person being the holder of a Special Licence or Administrator's Licence to export free of duty any game which may have been hunted under the authority of such licence not exceeding three heads of each variety of such game.

3. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this Eleventh day of July One thousand Nine hundred and Six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No.17 of 1906.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is necessary to provide that all powers jurisdictions and authorities conferred upon the Administrator of the territory defined by the Barotziland North-Western Rhodesia Order-in-Council 1899 hereinafter referred to as "the territory" should be conferred upon any person appointed by the High Commissioner to act as Administrator of the territory:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

All powers jurisdictions and authorities conferred by law upon the Administrator of the territory shall be and may be exercised by any person appointed by the High Commissioner to act as Administrator of the territory during such time as such person is so acting.

G O D S A V E T H E K I N G

Given under my hand and seal at Zoutpansberg, Transvaal, this nineteenth day of July, one thousand

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nine hundred and six.



Sellwee

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

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No. of 1906.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS the law in force in the Bechuanaland Protectorate requires that a marriage should be solemnized by a minister of the Christian religion according to the rites of the same or by a civil marriage officer duly appointed by the High Commissioner to solemnize marriages or by a Resident Magistrate:

AND WHEREAS certain marriages have prior to the date of this Proclamation been solemnized between certain persons by persons who were neither ministers of the Christian religion nor civil marriage officers appointed by the High Commissioner nor Resident Magistrates:

AND WHEREAS in every such case the marriages so solemnized were entered into by the parties thereto bona fide and in the belief that the same were valid and binding marriages and in every such case were solemnized by persons in the belief that they were lawfully empowered to solemnize marriages and purporting to solemnize the same;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

- The -

The marriages solemnized on the dates mentioned in the first column of the Schedule hereto between the persons named in the second column thereof by Assistant Commissioners and other officers appointed by the High Commissioner acting <u>bona fide</u> and in this belief that they were persons lawfully empowered to solemnize marriages in the Bechuanaland Protectorate shall be deemed to have been from the respective dates thereof valid and binding marriages and shall be as effectual for all purposes as if the Assistant Commissioners and other officers solemnizing the same had been authorised thereto by law; provided always that in every other respect the requirements of the law shall have been complied with and that there was in each case no impediment in law to such marriage.

G O D S A V E T H E K I N G.

G I V E N under my Hand and Seal at Lichtenburg
. Transvaal this 19th day of July
One thousand Nine hundred and Six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

S C H E D U L E.

Date of Marriage.	Full names of the contracting parties.
26th January, 1897	William James Ashkettle Katriena Elisabetha Van Rooyen.
9th February, 1897	Godlip Noordman Cornelia Gertruida Joubert.
8th March, 1897	William Charles Elliott Anna Christina Petronella Engelbrecht.
1st July, 1897	George Lewis Robinson Deborah Harman.
6th September, 1898	Sekgoma Letcholatebe Bitsan Seretsi.
15th October, 1898	Henry George Brown Emma de Kock.
16th November,1898	William Henry Ferry Mary Ann Cramont.
28th August, 1900	Miklaas Gaselotlegwe.
.. ..	Matlhaku Mogatsabudi.
.. .. ..	Ratlhaudi Bontleeñ.
5th September,1900	Molepa Mamoshweto.
4th October,1900	Ramaremoadira Poifanyane.
.. .. ..	N/tsima Senkitseñ.
.. .. ..	Rabosho Tsetse.
.. .. ..	Moshobore Khuduego.
23rd October,1900	Isaac Motsolathebe Modiane.
15th November,1900	William Murphy Maria Perry.
30th November,1900	Tsoro Kennyaditse.

- 20th December -

20th December, 1900		Thobe Dikeletsane.
..	.. ..	Dintwe Kgamane.
7th February, 1901		James Busby Sara Nero.
26th February, 1901		Malugase Lena.
13th June, 1901		Sylvanus Friend Anderson Ellen Julia Cocklin.
22nd August, 1901		Johosiwe Mokhadi Mponeñ Matlapeñ.
..	.. ..	Mothibedi Mmadichaba.
27th August, 1901		Cornelius Johannes Petrus Englebrecht Jacoba Johanna Leroux.
2nd September, 1901		Erenz Mokgali Marea Segotloñ.
..	.. ..	Josiah Moswaane Swabatho Mabeloñ.
17th September, 1901		Keacucwe Polahi Orefeñ Mereke.
24th September. 1901		Bogatau Malutu Kontse Pule.
24th September, 1901		Petrus Hendrickus Kemp Maria Eliza Bertha Nel.
24th October, 1901		Mmoi Molefe Peloentle Lesetedi.
..	.. ..	Keitse Monnakwena Senankgabe Makgobo.
..	.. ..	Letlole Moye Moroke Thobege.
..	.. ..	Keidumetse Nageñ Serarane Mosrabe.
25th October, 1901		Tshirupe Gabanatiro Monnathabe Selabaleñ Motlathupe.
..	.. ..	Moepi Mogapi Mmadikutile Pule.
28th October, 1901		Hendrick Nicholas Potgieter Cornelia Johanna Faber.

5th November,1901	George Fredrick Theodore Pistorius Catharina Maria Aletta Eloff.
7th November,1901	Modimoosi Gashugelwa Orekilwe Matladile.
.. .. ..	Semonye Lentikile Ntsane Kokorwe.
14th November,1901	Filemone Molise Ikutlen Mosoane.
27th November,1901	John Duggan Wilhelmina Francisca Borchardt.
5th December,1901	Caspar Johannes Dbedericks Johanna Margerita Ludike.
23rd December,1901	Carl Johannes Herbet Eleanor Deonisa Hendrika Van der Merwe.
28th January,1902 →	(Pitso Kehumile
26th February,1902	Mikael Phenyamere (Dina Amose. Dikeletsane.
14th August,1902	Henry Edward Schroeder Martha Anne Louwrens.
2nd October,1902	Marapañ Moshana.
.. .. ..	Rammonwe Malegasha.
.. .. ..	Rantsololwane Koolobile.
.. .. ..	Moreñ Rathota Ntsadi.
16th October,1902	Monthodi Kampo Mampa Maiyane.
24th October,1902	Setidikane Phetlhu Tsoundikai Komanyana.
13th November,1902	Moses Seokwe Mickey Juda.
20th December,1902	John Thomas Annie Marie King.
22nd January,1903	Korapetse Melwane Rampogo.
4th March,1903	Thomas Wilson Frances Venables.
20th May,1903	Onbile Belome Abulwe a Molongashui.

17th July, 1903	Masane Seloisho Mabusen̂ Seliro.
22nd July,1903	William Walker Johanna de Buys.
8th August,1903	Tshosa Mokodinyane Boti Leban.
.. .. ..	Pakiowa Phatshoane Nkalele Ntshape.
19th August,1903	Sehularo Matsheleli Kegane Kwena Ontsela.
21st August,1903	Moshwana Montsiwe Monyane Moncholone.
15th September,1903	Lekoe Modibonoka Goitumelamañ Mabe.
7th October,1903	Bantsiwañ Sogobe Nkgogonyane Thopamoding.
.. .. ..	Kgoetsan Senone Kgabomoefhe Moremedi.
28th October,1903	Kebonyemoliwa Matlakuñ Mamorwanyana Sefhotlelo.
2nd March, 1904	Carl Peter Margeret Smouse.
May 4th, 1904	Lawrence Wilson Tayler Aletta Gertrude Posszouw.
20th May,1904	Mooketsi Thejane Mphagape Katsi.
26th May,1904	Kenyaphetse Nthakeng.
2nd June,1904	Frank Curtin Elsie Alettha Margretha Ludick.
24th June,1904	Phalalo Mogala Kgalaye Molefpi.
27th September,1904	Ranka Motseme Gasiraman.
.. .. ..	Sentsana Molenwana Baaleri Monnanenyana.
10th October,1904	Johannes Martinus de Beer Maria Pieternella Herbst.
17th October,1904	Tebello Olobogeñ.

24th November, 1904		Page Seakweñ.
.. ..	..	Temogo Shole.
2nd December, 1904		George Spiro Kikana.
8th December, 1904		Dikgafhela Rasedie Kenabogo Mesimanyana.
.. ..	..	Nkwane Siele Dithuthubodu-a-Ramagabane.
.. ..	..	Kaisho Bolokwe Gopane Ntwankgosi.
20th December, 1904		Mmamontsana Motlogelwa Seokoana Mothoagae.
27th January, 1905.		Mosarwanyane Ramokoe Tebogo Koofhetlele.
8th February, 1905		Tlhankane Caboronwe Tsegeco Monwehi.
20th March, 1905		Konaleman̄ Ditlhokoro.
23rd ..	..	Motsioetse Dintatanyane Mphuti Kentsitswe.
30th March, 1905		Martin Cockren Margaret Selous.
27th April, 1905		Baitseñ a Moilwa Gorileñ a Lechote.
29th May, 1905		Hendrik Jacobus Smit Martha Magdalena Herbst.
3rd July, 1905		Yan Teidi.
.. ..	..	Benjamin Mokibe Maseiponi.
7th July, 1905		Mohamed Pathan Mareta Tasepe.
10th November, 1905		Molife Selemane Mogalagadi. Ramikaele.
24th November, 1905		Mpatseñ Nato Mamogañ Monwaketsi.
28th November, 1905		Odisañ Moshweto Bitsañ Gaboronwe.

- 30th November -

30th November, 1905	Charles Evans Annie Jane Stephens.
18th December, 1905	Maya Keomohetse.
4th January, 1906	Stephen Abia Dikelidi Montshioa.
22nd March, 1906	Tshekunono Kidikilwe.
.. . . ..	Musi Kwenane Setsoaro Monagoñ.
3rd April, 1906	Martin Wolff Jane Demingo.

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18 of 1906.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to make further provision regulating the importation of cattle into the territory defined by the Barotziland North Western Rhodesia Order-in-Council 1899 (hereinafter referred to as the territory) in view of the various diseases affecting stock which exist or are suspected to exist in neighbouring territories;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Sections twenty-eight to thirty-one inclusive of Proclamation No.18 of 1901 shall be and are hereby repealed.

2. No person shall introduce or cause to be introduced any stock into the territory without a permit in writing issued by the Administrator or by a District Commissioner or by such other officer as may be authorised by the Administ-rator to issue any such permit. Such permit may be refused at the discretion of the Administrator, District Commissioner or other officer aforesaid without any reason being assigned, or may be issued upon such conditions as to quarantine, isolation, or otherwise, as may be specified therein.

- 3. -

3. Any person who shall contravene any provision of the last preceding section or any condition of a permit issued thereunder shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine and imprisonment.

4. In any prosecutions institut-ed for any such contravention aforesaid the accused shall be deemed to be without the permit required unless he shall produce the same to the Court or give other satisfactory proof of possessing such permit.

5. Whenever at any place within the territory any stock is found affected or reasonably suspected of being affected with any disease the Administrator or any District Commissioner having jurisdiction or any other person authorised by the Administrator, may by written order under his hand direct that such stock shall be seized and detained at such place or be removed for detention to any other place within his jurisdiction for such period as may be deemed necessary to prevent the spread of the disease or may direct that such stock be destroyed or otherwise dealt with in any manner necessary for preventing the removal of such stock to other places or the spread of the disease.

6. Any person who shall obstruct or prevent or attempt to obstruct or prevent or aid any other person in

- obstructing -

obstructing or preventing the seizure detention or removal of or the dealing with any stock under the provisions of the preceding section or who shall without lawful authority remove or attempt to remove or aid any other person in removing or attempting to remove any such stock shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding three months or to both such fine and imprisonment.

7. No person shall be liable to any suit or action in respect of any act done under lawful direction and authority in respect of the seizure, detention, removal of or dealing with any stock pursuant to the provisions of this Proclamation; provided always that the owner of any stock destroyed shall be entitled to compensation in case he shall prove that it was not suffering from disease at the time of its destruction.

8. Notwithstanding anything in Proclamation No.6 of 1905 contained any Magistrate having jurisdiction over the district or area within which contravention of this Proclamation is alleged to have been committed may try such contravention summarily and may impose the maximum penalties therefor which are hereby prescribed.

9. In this Proclamation the term "disease" shall mean Rhodesian Redwater; Rinderpest; Redwater; Lung sickness; Tuberculosis; Foot and mouth disease; Antherax; Glanders and Farcy; Scab in sheep and goats; Swine fever;

- Swine -

Swine erysipelas; Mange; Ulcerative lymphangytis; Sheep pox or any other infections or contagious disease amongst stock to which this Proclamation may be applied by the Administrator and "stock" shall include cattle; horses; sheep, goats; mules, donkeys, pigs and any other animals to which the Proclamation may be applied by the Administrator.

10. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING

GIVEN under my hand and seal at Johannesburg this 31st day of July. One thousand Nine hundred and Six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 19 of 1906.

SANCTIONED.

PROCLAMATION BY HIS EXCELLENCY

THE HIGH COMMISSIONER.

W H E R E A S it is necessary to correct certain errors in the Proclamations Nos. 10 and 12 of 1906 providing for the application of the Customs Union Convention of 1906 to the territory of Barotziland - North-Western Rhodesia and for the collection and management of Customs duties in the territory:

N O W T H E R E F O R E under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:

SECTION 5 of Proclamation No. 10 of 1906 shall be and is hereby amended by the substitution of the word "of" for "on" in the first line of the said Section; and

SECTION 6 of the aforesaid proclamation shall be and is hereby amended by the

- insertion -

insertion of the word "and" after the word "Canada" in the sixth line of the said Section;

SECTION 2 of the Proclamation No. 12 of 1906 shall be and is hereby amended by the substitution of the words "forty-three" for the words "forty-five" in the second line of the said Section;

SECTION 16 of the aforesaid Proclamation shall be and is hereby amended by the substitution of the word "of" for the word "or" in line sixteen of the said Section.

SECTION 16 of the aforesaid proclamation shall be and is hereby further amended by the substitution of the figures "1905" for "1902" in the nineteenth line of the said Section;

SECTION 23 of the aforesaid Proclamation shall be and is hereby amended by the substitution of the word "either" for the word "whether"

in line three of the said Section; and SECTION 26 of the aforesaid proclamation shall be and is hereby amended by the substitution of the word "default" for the word "Dafault" i in line fifteen of the said Section.

GOD SAVE THE KING

Given under my hand and Seal at Pretoria
This 2nd day of ~~July~~ August one thousand nine hundred and six.



Selborne

HIGH COMMISSIONER

By Command of His Excellency
the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 20 of 1906.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS doubts have arisen whether the Foreign Enlistment Act 1870 of the Imperial Parliament extends to Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

The Act of the Imperial Parliament known as the "Foreign Enlistment Act 1870" the terms of which are set forth in the Schedule hereto is hereby declared to extend to Basutoland and shall come into operation therein on the date of the promulgation of this Proclamation in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of August One thousand Nine hundred and Six.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

Schedule.

An Act of the Imperial Parliament to regulate the conduct of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace. (9th August 1870).

Whereas it is expedient to make provision for the regulation of the conduct of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace;

Be it enacted by the Queen's Most Excellent Majesty by and with the consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Preliminary.

1. This Act may be cited for all purposes as the "The Foreign Enlistment Act 1870." — Short Title of Act.

2. This Act shall extend to all the dominions of Her Majesty including the adjacent territorial waters. — Application of Act.

3. This Act shall come into operation in the United Kingdom immediately on the passing thereof and shall be proclaimed in every British possession by the Governor thereof as soon as may be after he receives notice of this Act and shall come into operation in that British possession on the day of such proclamation and the time at which this Act comes into operation in any place is as respects such place in this Act referred to as the commencement of this Act. — Commencement of Act.

Illegal Enlistment.

Penalty on enlistment in service of foreign state.

4. If any person without the license of Her Majesty being a British subject within or without Her Majesty's dominions accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any foreign state at peace with Her Majesty and in this Act referred to as a friendly state or whether a British subject or not within Her Majesty's dominions induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

Penalty on leaving Her Majesty's dominions with intent to serve a foreign state.

5. If any person without the license of Her Majesty being a British subject quits or goes aboard any ship with a view of quitting Her Majesty's dominions with intent to accept any commission or engagement in in the military or naval service of any foreign state at war with a friendly state or whether a British subject or not within Her Majesty's dominions induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted and imprisonment if awarded may be either with or without hard labour.

Penalty on embarking persons under false representations as to service.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

Penalty on taking illegally enlisted persons on board ship.

7. If the master or owner of any ship without the license of Her Majesty knowingly either takes on board or engages to take on board or has on board such ship within Her Majesty's dominions any of the following persons in this Act referred to as illegally enlisted persons: that is to say

(1) Any person who being a British subject within or without the dominions of Her Majesty has without the license of Her Majesty accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state;

(2) Any person being a British subject who without the license of Her Majesty is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state;

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state;

Such master or owner shall be guilty of an offence against this Act and the following consequences shall ensue; that is to say

(1) The offender shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour; and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner and until all penalties inflicted on the master or owner have been paid or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace or other magistrate or magistrates having the authority of two justices of the peace; and

(3) All illegally enlisted persons shall immediately on discovery of the offence be taken on shore and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

Penalty on illegal shipbuilding and illegal expeditions.

8. If any person within Her Majesty's dominions without the license of Her Majesty does any of the following acts; that is to say

(1) Builds or agrees to build or causes to be built any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

(2) Issues or delivers any commission for any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

(3) Equips any ship with intent or knowledge or having a reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

(4) Despatches or causes or allows to be despatched any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state:

Such person shall be deemed to have committed an offence against this Act and the following consequences shall ensue:

(1) The offender shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour;

(2) The ship in respect of which any such offence is committed and her equipment shall be forfeited to Her Majesty:

Provided that a person building causing to be built or equipping a ship in any of the cases aforesaid in pursuance of a contract made before the commencement of such war as aforesaid shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following; that is to say

(1) If forthwith upon a proclamation of neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building causing to be built or equipping such ship and furnishes such particulars of the contract and of any matters relating to or done or to be done under the contract as may be required by the Secretary of State:

(2) If he gives such security and takes and permits to be taken such other measures if any as the Secretary of State may prescribe for ensuring that such ship shall not be despatched delivered or removed without the license of Her Majesty until the termination of such war as aforesaid.

Presumption as to evidence in case of illegal ship.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state or is delivered to or to the order of such foreign state or any person who to the knowledge of the person building is an agent of such foreign state or is paid for by such foreign state or such agent and is employed in the military or naval service of such foreign state such ship shall until the contrary is proved be deemed to have been built with a view to being so employed and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

Penalty on aiding the warlike equipment of foreign ships

10. If any person within the dominions of Her Majesty and without the license of Her Majesty—

By adding to the number of the guns or by changing those on board for other guns or by the addition of any equipment for war increases or augments or procures to be increased or augmented or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state—

Such person shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

Penalty on fitting out naval or military expeditions without license.

11. If any person within the limits of Her Majesty's dominions and without the license of Her Majesty—

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state the following consequences shall ensue:

(1) Every person engaged in such preparation or fitting out or assisting therein or employed in any capacity in such expedition shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

(2) All ships and their equipments and all arms and munitions of war used in or forming part of such expedition shall be forfeited to Her Majesty.

Punishment of accessories.

12. Any person who aids abets counsels or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Limitation of term of imprisonment.

13. The term of imprisonment to be awarded in respect of any offence against this Act shall not exceed two years.

Illegal Prize.

Illegal prize brought into British ports restored.

14. If during the continuance of any war in which Her Majesty may be neutral any ship goods or merchandise captured as prize of war within the territorial jurisdiction of Her Majesty in violation of the neutrality of this realm or captured by any ship which may have been built equipped commissioned or despatched or the force of which may have been augmented contrary to the provisions of this Act are brought within the limits of Her Majesty's dominions by the captor or any agent of the captor or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid it shall be lawful for the original owner of such prize or his agent or for any person authorised in that behalf by the Government of the foreign state to which such owner belongs to make application to the Court of Admiralty for seizure and detention of such prize and the court shall on due proof of the facts order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner and subject to the same right of appeal as in case of any order made in the exercise of the ordinary jurisdiction of such court; and in the meantime and until a final order has been made on such application the court shall have power to make all such provisional and other orders as to the care or custody of such captured ship goods or merchandise and (if the same be of perishable nature or incurring risk of deterioration) for the sale thereof and with respect to the deposit or investment of the proceeds of any such sale as may be made by such court in the exercise of its ordinary jurisdiction.

General Provision.

License by Her Majesty: how granted.

15. For the purpose of this Act a license by Her Majesty shall be under the sign manual of Her Majesty or be signified by Order in Council or by proclamation of Her Majesty.

Legal Procedure.

Jurisdiction in respect of offences by persons against Act.

16. Any offence against this Act shall for all purposes of and incidental to the trial and punishment of any person guilty of any such offence be deemed to have been

committed either in the place in which the offence was wholly or partly committed or in any place within Her Majesty's dominions in which the person who committed such offence may be.

Venue in respect of offences by persons.

17. Any offence against this Act may be described in any indictment or other document relating to such offence in cases where the mode of trial requires such a description as having been committed at the place where it was wholly or partly committed or it may be averred generally to have been committed within Her Majesty's dominions and the venue or local description in the margin may be that of the county city or place in which the trial is held.

Power to remove offenders for trial.

18. The following authorities that is to say in the United Kingdom any judge of a superior court in any other place within the jurisdiction of any British court of justice such court or if there are more courts than one the court having the highest criminal jurisdiction in that place may by warrant or instrument in the nature of a warrant in this section included in the term "warrant" direct that any offender charged with an offence against this Act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice and any prisoner so removed shall be triable at the place to which he is removed in the same manner as if his offence had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant and to deliver him when arrived at such place or places into the custody of any authority designated by such warrant.

Every prisoner shall during the time of his removal under any such warrant as aforesaid be deemed to be in the legal custody of the person or persons empowered to remove him.

Jurisdiction in respect of forfeiture of ships for offences against Act.

19. All proceedings for the condemnation and forfeiture of a ship or ship and equipment or arms and munitions of war in pursuance of this Act shall require the sanction of the Secretary of State or such chief executive authority as is in this Act mentioned and shall be had in the Court of Admiralty and not in any other court; and the Court of Admiralty shall in addition to any power given to the court by this Act have in respect of any ship or other matter brought before it in pursuance of this Act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Regulations as to proceedings against the offender and against the ship.

20. Where any offence against this Act has been committed by any person by reason whereof a ship or ship and equipment or arms and munitions of war has or have become liable to forfeiture proceedings may be instituted contemporaneously or not as may be thought fit against the offender in any court having jurisdiction of the offence and against the ship or ship and equipment or arms and munitions of war for the forfeiture in the Court of Admiralty;

but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture or to take proceedings for the forfeiture because proceedings are taken against the offender

Officers authorised to seize offending ships.

21. The following officers that is to say

(1) Any officer of the customs in the United Kingdom subject nevertheless to any special or general instructions from the Commissioners of Customs or any officer of the Board of Trade subject nevertheless to any special or general instructions from the Board of Trade;

(2) Any officer of customs or public officer in any British possession subject nevertheless to any special or general instructions from the governor of such possession;

(3) Any commissioned officer on full pay in the military service of the Crown subject nevertheless to any special or general instructions from his commanding officer;

(4) Any commissioned officer on full pay in the naval service of the Crown subject nevertheless to any special or general instructions from the Admiralty or his superior officer;

may seize or detain any ship liable to be seized or detained in pursuance of this Act and such officers are in this Act referred to as the "local authority"; but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

Powers of officers to seize ships.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Act may for the purpose of enforcing such seizure or detention call to his aid any constable or officers of police or any officers of Her Majesty's army or navy or marines or any excise officers or officers of customs or any harbour-master or dock-master or any officers having authority by law to make seizures of ships and may put on board any ship so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act and any officer seizing or detaining any ship under this Act may use force if necessary for the purpose of enforcing seizure or detention and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties or any person acting under his orders such officer so seizing or detaining the ship or other person shall be freely and fully indemnified as well as against the Queen's Majesty her heirs and successors as against all persons so killed maimed or hurt.

Special power of Secretary of State or chief executive authority to detain ship.

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and proper cause for believing that a ship within Her Majesty's dominions has been or is being built commissioned or equipped contrary to this Act and is about to be taken beyond the limits of such dominions or that a ship is about to be despatched contrary to this Act such Secretary of State or chief executive authority shall have power to issue a warrant stating

that there is reasonable and probable cause for believing as aforesaid and upon such warrant the local authority shall have power to seize and search such ship and to detain the same until it has been either condemned or released by process of law or in manner hereinafter mentioned.

The owner of the ship so detained or his agent may apply to the Court of Admiralty for its release and the court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built commissioned or equipped or intended to be despatched contrary to this Act the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built commissioned or equipped or intended to be despatched contrary to this Act then the ship shall be detained till released by order of the Secretary of State or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act notwithstanding that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built commissioned or intended to be despatched contrary to this Act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this Act or may release the ship without giving such security if the Secretary of State or the chief executive authority think fit so to release the same.

If the court be of opinion that there was not reasonable and probable cause for the detention and if no such cause appear in the course of the proceedings the court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention the amount thereof to be assessed by the court and any amount so assessed shall be payable by the Commissioners of the Treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner on the application of such owner to the court in a summary way in cases where the ship is released by the order of the Secretary of State or the chief executive authority before any application is made by the owner or his agent to the court for such release.

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture subject to this provision that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer all costs

charges and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from any part of Her Majesty's dominions after having come within them under stress of weather or in the course of a peaceful voyage and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

Special power of local authority to detain ship.

24. Where it is represented to any local authority as defined by this Act and such local authority believes the representation that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built commissioned or equipped contrary to this Act and is about to be taken beyond the limits of such dominions or that a ship is about to be despatched contrary to this Act it shall be the duty of such local authority to detain such ship and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority.

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her but if satisfied that there is reasonable and probable cause for believing that such ship was built commissioned or equipped or intended to be despatched in contravention of this Act he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State without any communication from the local authority.

Where the Secretary of State or chief executive authority orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention upon application to the Court of Admiralty in a summary way in like manner as he is entitled to be indemnified where the Secretary of State having issued his warrant under this Act releases the ship before any application is made by the owner of his agent to the court for such release.

Power of Secretary of State or executive authority to grant search warrant.

25. The Secretary of State or the chief executive authority may by warrant empower any person to enter any dockyard or other place within His Majesty's dominions and enquire as to the destination of any ship which may appear to him to be intended to be employed in the naval and military service of any foreign state at war with a friendly state and to search such ship.

Exercise of powers of Secretary of State or chief executive authority.

26. Any powers of jurisdiction by this Act given to the Secretary of State may be exercised by him throughout the dominions of Her Majesty and such powers and jurisdiction may also be exercised by any of the following officers in this Act referred to as the chief executive authority within their respective jurisdictions; that is to say

(1) In Ireland by the Lord-Lieutenant or other the chief governor or governors of Ireland for the time being or the chief secretary to the Lord-Lieutenant:

(2) In Jersey by the Lieutenant-Governor:

(3) In Guernsey Alderney and Sark and the dependent islands by the Lieutenant-Governor:

(4) In the Isle of Man by the Lieutenant-Governor:

(5) In any British possession by the Governor.

A copy of any warrant issued by a Secretary of State or by any officer authorised in pursuance of this Act to issue such warrant in Ireland the Channel Islands or the Isle of Man shall be laid before Parliament.

Appeal from Court of Admiralty.

27. An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a Court of Admiralty.

Indemnity officers.

28. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court of Admiralty no damages shall be payable and no officer or local authority shall be responsible either civilly or criminally in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to Secretary of State or chief executive authority.

29. The Secretary of State shall not nor shall the chief executive authority be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Act or be examinable as a witness except at his own request in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

Interpretation of terms.

30. In this Act if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them; that is to say

"Foreign state."

"Foreign state" includes any foreign prince colony province or part of any province or people or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country colony province or part of any province or people:

"Military service."

"Military service" shall include military telegraphy and any other employment whatever in or in connection with any military operation:

"Naval service."

"Naval service" shall as respects a person include service as a marine employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation and any employment whatever on board a ship of war transport store ship privateer or ship under letters of marque; and as respects a ship include any user of a ship as a transport store ship privateer or ship under letters of marque:

"United Kingdom."

"United Kingdom" includes the Isle of Man the Channel Islands and other adjacent islands:

British possession."

"British possession" means any territory colony or place being part of Her Majesty's dominions and not part of the United Kingdom as defined by this Act:

"The Secretary of State."

"The Secretary of State" shall mean any one of Her Majesty's Principal Secretaries of State:

"Governor."

"The Governor" shall as respects India mean the Governor-General or the Governor of any presidency and where a British possession consists of several constituent colonies and as respects any other British

possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term "Governor":

"Court of Admiralty." "Court of Admiralty" shall mean the High Court of Admiralty of England or Ireland the Court of Session of Scotland or any Vice-Admiralty Court within Her Majesty's dominions:

"Ship." "Ship" shall include any description of boat vessel floating battery or floating craft; also any description of boat vessel or other craft or battery made to move either on the surface of or under water or sometimes on the surface of and sometimes under water:

'Building." "Building" in relation to a ship shall include the doing any act towards or incidental to the construction of a ship and all words having relation to building shall be construed accordingly:

"Equipping." "Equipping" in relation to a ship shall include the furnishing a ship with any tackle apparel furniture provisions arms munitions or stores or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service and all words relating to equipping shall be construed accordingly:

"Ship and equipment." "Ship and equipment" shall include a ship and everything in or belonging to a ship.

"Master." "Master" shall include any person having the charge or command of a ship.

Repeal of Acts and Saving Clauses.

Repeal of Foreign Enlistment Act. 31. From and after the commencement of this Act an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third chapter sixty-nine intituled "An Act to prevent the enlisting or engagement of His Majesty's subjects to "serve in foreign service and the fitting "out or equipping in His Majesty's "dominions vessels for warlike purposes "without His Majesty's license" shall be repealed: Provided that such repeal shall not affect any penalty forfeiture or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation nor the institution of any investigation or legal proceeding or any other remedy for enforcing any such penalty forfeiture or punishment as aforesaid.

Saving as to commissioned foreign ships. 32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed.

Penalties not to extend to persons entering into military service in Asia. 33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince state or potentate in Asia with such leave or license as is for the time being required by law in the case of subjects of Her Majesty entering into the military service of princes states or potentates in Asia.

Neither sanctioned nor disallowed (Repealed by 15/04)

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No 21 of 1906.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas by the Order in Council of Her late Majesty dated the ninth of May 1891 the High Commissioner is empowered to provide for the peace order and good government of all persons within the limits of the said Order including the prohibition and punishment of acts tending to disturb the public peace;

AND WHEREAS it is expedient to make further provision relative to the peace order and good government of that portion of the said limits which is known as the Bechuanaland Protectorate (hereinafter called the Protectorate);

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The Proclamation of the High Commissioner dated the thirtieth day of June 1891 shall be and is hereby repealed.

2. The High Commissioner on its being shown to his satisfaction that there are reasonable grounds for believing that the presence of any person within the

- Protectorate -

Protectorate is dangerous to its peace order or good government may instruct the Resident Commissioner to issue an order under his hand directing such person to leave the Protectorate within such time after service of the order on such person as may be specified therein and if on the expiration of such period such person shall be found within the Protectorate he shall be guilty of an offence and may be arrested without warrant by any police constable or officer and brought before a Resident Commissioner Assistant Commissioner or Resident Magistrate and shall be liable on conviction to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months and with or without a fine not exceeding one hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

3. Any such person as in the last preceding section is described may at or before the end of any period of imprisonment mentioned therein by warrant under the hand of the Resident Commissioner (which warrant shall only be issued on the written instructions of the High Commissioner) be removed from the Protectorate and shall be deemed to be in lawful detention during the course of such removal and if any person who has been so removed from the Protectorate be thereafter found therein he shall be guilty of a further offence and may be arrested without warrant and shall be liable on conviction to a period of imprisonment not less than six months and not exceeding twelve

months with or without a fine not exceeding five hundred pounds and in default of payment to imprisonment with or without hard labour for a further period not exceeding six months and at or before the expiration of such sentence he may be again removed from the Protectorate and the provisions of the last preceding section relative to removal shall again apply to such further removal.

4. Any such person as is described in section one of this Proclamation who at the date of the taking effect thereof is detained in the Protectorate shall be deemed to have been since the commencement of such detention and to be for three months after the date of the taking effect of this Proclamation lawfully detained and to have been imprisoned without hard labour under section two hereof and the provisions of section three of this Proclamation relative to such removal shall apply to any such person.

5. This Proclamation shall have force and effect from the date of its first publication in the Gazette.

GOD SAVE THE KING

GIVEN under my hand and seal at Mbabane, Swaziland this fourteenth day of September one thousand nine hundred and six.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 22 of 1906.]

PROCLAMATION

By His Excellency the High Commissioner.

UNDER AND BY VIRTUE of the powers in me vested by section *five* of the Proclamation dated the twenty-seventh day of August 1887 I do hereby declare proclaim and make known as follows:—

That the Transvaal Colony and the Bechuanaland Protectorate have respectively made due provision for compelling the attendance of persons resident in such Colony or Territory as witnesses before Courts of Basutoland and that thereby the said Proclamation dated the twenty-seventh day of August 1887 will on the date of the first publication of this Proclamation take effect so far as concerns such Colony and such Territory.

God Save the King.

Given under my Hand and Seal at Johannesburg this Twentieth day of September One thousand Nine hundred and Six.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

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No. 44 of 1906.

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P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS the disease known as Rabies has appeared in German South West Africa:

AND WHEREAS it is expedient to make provision for the prevention of the said disease within the Bechuana-land Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. No person shall without the written permission of the Resident Commissioner or of some person thereto authorised by the Resident Commissioner introduce or cause or allow to be introduced any dog or other carnivora or monkey from German South West Africa into the Bechuanaland Protectorate.

2. No person shall without the written permission of the Resident Commissioner or of some person thereto authorised by the Resident Commissioner remove or cause or allow to be removed any dog or other carnivors or monkey from any place to any other place within the Bechuanaland Protectorate.

3. The Resident Commissioner or any person thereto authorised by him may order that any dog or other carnivora

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or monkey within the Bechuanaland Protectorate shall be isolated muzzled or destroyed.

4. Any person contravening the provisions of this Proclamation or refusing or neglecting to obey any order made thereunder shall upon conviction be liable for every such offence to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

5. This Proclamation shall take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Gwelo this 9th day of October one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

N.W. Rhodesia.

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24. of 1906.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Under and by virtue of the powers in me vested, I do hereby declare proclaim and make known as follows:-

From and after the date of the first publication of this Proclamation in the Gazette Proclamation No.2 of 1903 and Proclamation No.13 of 1906 shall be repealed save as to acts done, appointments made, offences committed, penalties incurred or proceedings instituted thereunder before such date aforesaid.

G O D S A V E T H E K I N G!

Given under my Hand and Seal at Johannesburg this 27th day of October one thousand nine hundred and six.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C. H. Rodwell

Imperial Secretary.

Authenticated copy.

No. 25 of 1906.

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P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS by an Order in Council of Her late Majesty dated the 9th day of May 1891 the High Commissioner is empowered to provide for the Peace, Order and Good Government of all persons within the limits of the said Order including the prohibition and punishment of acts tending to disturb the public peace;

AND WHEREAS in that portion of the said limits which is known as the Bechuanaland Protectorate (hereinafter called the Protectorate) there has recently been a division amongst the tribe known as the Batawana respecting the question whether one Mathibi or one Sekgome is the true Chief of the tribe, which division was seriously endangering the peace of the tribe;

AND WHEREAS in public and formal meeting of the tribe held in the presence of the Resident Commissioner of the Protectorate it was shewn that Mathibi was the rightful Chief of the tribe, and a vast majority of the tribe accepted Mathibi as their lawful Chief;

AND WHEREAS the said Sekgome is at present outside the limits of the Batawana tribe and his return is a danger to the peace of the tribe and is likely

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to lead to bloodshed and tribal war;

AND WHEREAS it has been necessary in order to preserve peace and order within the Protectorate to detain Sekgome at a place within the Protectorate distant from the limits of the Batawana tribe, and it is necessary to continue such detention.

NOW THEREFORE in and by virtue of the powers in me vested aforesaid I do hereby declare and make known as follows:-

1. 'All acts done permitted to be done or sanctioned by the Resident Commissioner with the approval of the High Commissioner with regard to the detention of the said Sekgome prior to the commencement of this Proclamation are hereby declared legal and valid and no proceedings shall be taken to question the legality or validity of any such acts.

2. It shall be lawful for the High Commissioner to order the detention of the said Sekgome during His Majesty's pleasure in any suitable place within the Protectorate and from time to time to change such place of detention and also to deport the said Sekgome to any place without the Protectorate where provision shall have been made for his detention in lawful custody.

3. A Warrant under the hand of the High Commissioner addressed to the Resident Commissioner or any Assistant Commissioner of the Protectorate or to any

- person -

person having charge of any station within the Protectorate shall be a sufficient authority for the person named in the Warrant to detain the said Sekgome or to convey the said Sekgome to the place named in the Warrant and to deliver him into such custody as may be named in the said Warrant.

4. The said Sekgome may at any time during his detention within the Protectorate be removed from any one place of detention to any other place of detention therein by Warrant under the hand of the High Commissioner duly addressed to any officer of the Protectorate, and the said Sekgome shall during his detention in any place named in any such Warrant as aforesaid be under the lawful custody of the person named in the Warrant as well as of the Assistant Commissioner within whose district the place named in the Warrant is situated.

5. No writ or process whatsoever calling in question the legality of the arrest detention or deportation of the said Sekgome as the case may be or any matter connected therewith shall have any effect within the Protectorate.

6. It shall be lawful for any Police constable to arrest without Warrant the said Sekgome if he shall at any time escape from custody and any person aiding or attempting to aid the said Sekgome to escape or attempt to escape out of any lawful custody as aforesaid shall be guilty of an offence and shall be liable on conviction thereof to imprisonment with or without hard labour for

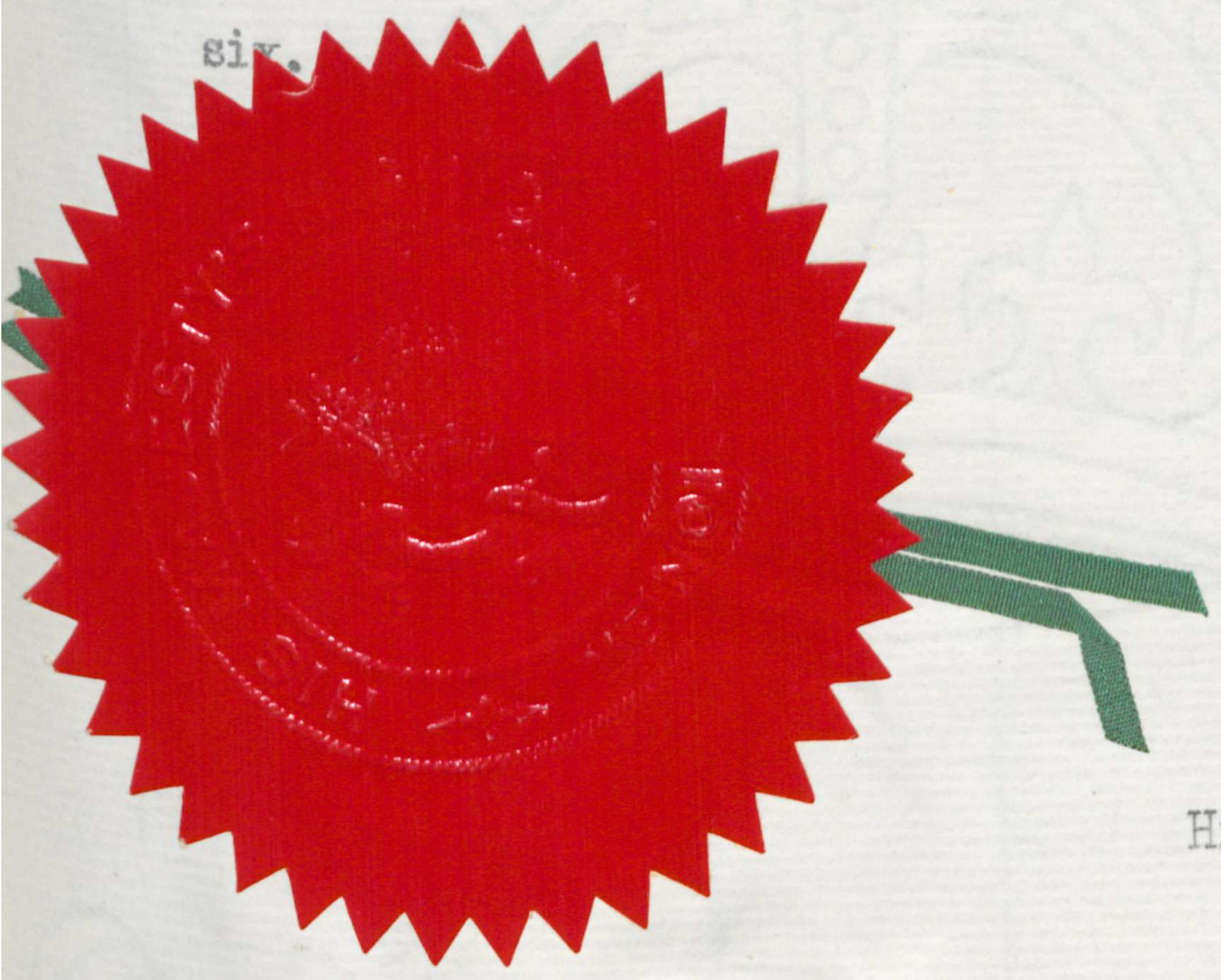
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any term not exceeding two years.

7. This Proclamation shall commence and come into operation on the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this fifth day of December one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 26 of 1906.

SANCTIONED.

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P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS it is expedient to establish certain rules and regulations concerning the granting of pensions and of superannuation and other allowances to persons employed in the service of the Government of the Bechuanaland Protectorate:

NOW THEREFORE, by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:-

No absolute right to pension.

1. Public Officers have no absolute right to any pension or allowance, and the Government retain the power to dismiss any public officer without compensation.

Part I Pensions:

What officers may become entitled.

2. Any public officer who shall either before or after the date of this proclamation have held any office which is named in the Schedule to this Proclamation or which is hereafter added by Proclamation to such Schedule, may receive a pension under this Proclamation:

Provided that he has held a pensionable office in the service of the Crown in the Bechuanaland Protectorate or elsewhere for not less than ten years.

No pension to persons under 60 except in cases of ill-health

3. No pension shall be granted to any officer who shall be under sixty years of age unless a Medical Board, appointed by the Government, shall report that such officer is incapable from infirmity of mind

- or -

or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Provisions as to age of retirement.

4. (1) Any public officer who has a claim to pension under Section 2 of this Proclamation may retire or be required to retire, on pension at the age of sixty.

(2) Any such public officer will be required by the High Commissioner to retire on pension on reaching the age of sixty-five.

Date from which service shall be computed.

5. The service of a public officer in the Bechuanaland Protectorate will, for the purposes of this Proclamation, ordinarily be reckoned from the date on which he commenced to draw salary from Protectorate funds in respect of his first permanent appointment:

Provided that no service shall be admitted as pensionable which was prior to the attainment of the age of eighteen years.

Acting and temporary service.

6. (1) Acting service in a pensionable office may when continous with service in such an office be allowed to reckon as service for pension, provided that no other officer was earning pension for the same period in respect of the same office.

(2) Provisional or temporary service may subject to the approval of the Secretary of State be allowed to count for pension when such service shall have been immediately followed by a subsequent permanent appointment to a pensionable office.

Cases of a break in service

7. The service in respect of which pensions will be granted must be unbroken, except in cases where the service has been interrupted by circumstances not arising from misconduct or voluntary resignation, in which cases service prior to a break of service may subject to the approval of the Secretary of State be

allowed to count for pension together with service subsequent to such break.

Rate of pension in ordinary cases.

8. The pension to be granted in respect of any office under the authority of this Proclamation shall be calculated at the rate of one-sixtieth of the annual salary and emoluments of the office for each completed year of an officer's service:

Provided that no addition shall be made in respect of service beyond forty years.

Pension in cases of abolition.

9. Where a pensionable office is abolished a pension may be granted to the holder of the office notwithstanding that he is not otherwise qualified for pension under the foregoing sections of this Proclamations and in any such case an addition not exceeding 10 years may subject to the approval of the Secretary of State be made to the period of service on which an officer's pension is computed; provided always that the number of years to be added to the actual service shall not exceed that which, if added to the age of the retiring officer, would bring that age up to sixty years.

Pension in cases of injury.

10. (1) Where a public officer has been permanently injured

(a) In the actual discharge of his duty and

(b) Without his own default, and

(c) By some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated a pension may be granted to him notwithstanding that he has not served a sufficient period to qualify him ordinarily for pension and any

pension granted to him under this Proclamation may be increased in proportion to the extent of his injury by the addition of an allowance not exceeding the proportion of his salary and emoluments hereunder indicated viz:-

When his capacity to contribute to his support is slightly impaired...Five sixthieths of salary and emoluments.
Impaired ....Ten sixthieths of -do.-
Materially impaired.. Fifteen-sixthieths of -do.-
Totally destroyed ....Twenty-sixthieths of -do. -

Provided that his pension increased by such allowance shall in no case exceed fifty-sixieths of his salary and emoluments at the date of the injury.

(2) The allowance shall be less than the above mentioned maximum by such amount as the High Commissioner subject to the approval of the Secretary of State shall think reasonable in cases where the injury is not the sole cause of retirement, i.e., where the retirement is caused partly by age or infirmity.

Meaning of salary in the computation of pension.

11. (1) For the purpose of calculating a pension the word "salary" shall include personal allowance and any fees paid out of the Treasury by way of salary;

Provided that the amount to be allowed for fees shall not exceed one fourth of the actual salary of the office.

(2) The word "emoluments" shall include house allowance or the estimated value of free

- quarters. -

quarters, rations and fuel, or any allowance of a permanent character given as an equivalent of salary: but shall exclude any temporary allowance, such as acting or extra pay, or bonus given as compensation for local disadvantages.

Provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth of the other emoluments of the office.

When pension to be computed on (a) final salary

12. (1) If the officer retiring has been in receipt of the same salary, or in the class from which he retires, for thirty-six months immediately preceding the date of his retirement, his pension will be calculated on the actual annual rate of salary which he is drawing at the time of retirement.

(b) average of receipts.

(2) In other cases the pension will be calculated on the average annual amount of salary or wages for the thirty-six months next preceding// the date of retirement, but if the whole period of service in the Bechuanaland Protectorate is less than three years then the retiring allowance will be calculated on the average for the whole period of service.

Date of commencement of pension.

13. Pensions shall commence from date of retirement.

Liability of pensioners under sixty to serve again.

14. Every officer to whom a pension shall have been granted before he shall have attained the age of sixty years, shall until he has attained that age be liable to be called upon to fill any public office or situation under the Crown for which his previous experience in the opinion of the Secretary of State renders him eligible and the duties of which a Medical Board shall consider him physically fit to discharge; and if he shall decline to take upon himself such office or situation or shall decline or neglect to execute the duties thereof, being in a competent state of health, he shall forfeit his right to the pension which had been granted to him.

Suspension or abatement of pension on reemployment.

15. During such time as an officer is re-employed in the service of the Crown whether under the preceding Section of this Proclamation or in any other circumstances he shall not be entitled to receive any portion of his pension which, added to the emoluments of his new office, would cause his total receipts from public funds to exceed the salary and emoluments of which he was in receipt at the time when he was pensioned.

Cases of transfer from the Protectorate to other service.

16. Any officer who after serving for a period of at least one year in a pensionable office in the Bechuanaland Protectorate shall have been transferred to any other service under the Crown in any other portion of His Majesty's dominions shall on his final retirement after at least ten years service receive such a pension from Protectorate funds in respect of each year of his service in the

Protectorate

Protectorate as he would have received if he had at the moment of his transfer received a pension calculated under this Proclamation, notwithstanding that his service in the Protectorate shall by itself have been less than ten years.

Cases of transfer to Protectorate from elsewhere.

17. Any officer who has been transferred from service under the Crown in any other portion of His Majesty's dominions to a pensionable office in the Bechuanaland Protectorate and has served not less than ten years in all shall on retirement receive pension under this Proclamation in respect of each year of his service in the Protectorate notwithstanding that he may not have completed ten years actual service in the Protectorate.

PART II.

Gratuities.

18. (1) Any officer holding a pensionable appointment who is compelled to retire from ill health before he has completed ten years' service may be granted a gratuity of one month's salary for each year of service and half a month's salary in respect of any fraction of a year amounting to six completed months.

(2) The computation of salary for this purpose is to be governed by sections 11 and 12 of this Proclamation.

PART III.

GENERAL PROVISIONS

Meritorious service essential.

19. (1) Pensions, gratuities and allowances computed at the rates before mentioned, shall only be granted

granted in cases of faithful and meritorious service.

(2) Where the fidelity and diligence of an officer fall short of the first degree of merit, the computation may be made at lower rates.

(3) Where an officer has been guilty of gross negligence, irregularity, or misconduct, or where his failure of health is due to misconduct, the grant of pension, or other allowance or gratuity may be altogether withheld.

Pensions not to be assignable.

20. No pension granted under this Proclamation shall be assignable or transferable or capable of being hypothecated or liable to be attached sequestrated, or levied upon, for or in respect of any debt or claim whatsoever.

Pensions to cease on conviction.

21. If any person to whom a pension has been granted under this Proclamation is convicted before any court in His Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation, or any term of imprisonment with hard labour or exceeding 12 months, and does not within two months after such conviction receive His Majesty's free pardon, then in every such case such pension shall forthwith cease; provided always that the High Commissioner with the consent of the Secretary of State, may restore the pension in the case of a person who, after conviction as above described receives His Majesty's free pardon at any time.

Pensions to cease on insolvency.

22. If any person to whom a pension has been granted under this Proclamation becomes insolvent

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then such pension shall forthwith cease: provided always that in any case where a pension ceases by reason of the insolvency of the pensioner it shall be lawful for the High Commissioner subject to the approval of the Secretary of State, from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as the Secretary of State shall think fit, to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following persons, namely, such pensioner and any wife, child, or children of his, in such proportions and manner as to the High Commissioner appears proper.

Compensation to relatives.

23. If the death of the holder of an office in respect of which a pension or gratuity may be granted is caused by an injury occasioned without his own default in the actual discharge of his public duty and specifically attributable to the nature of his public duty the High Commissioner with the approval of the Secretary of State may grant to the widow of the deceased or, if the deceased does not leave a widow and if his mother was at the time of the death wholly dependent upon him for her support, to the mother of the deceased, a pension not exceeding one-sixth of the deceased's salary and emoluments at the date of

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the injury, and there may further be granted to the children of the deceased a gratuity not exceeding the number of pounds sterling which is equal to the number obtained by subtracting the number of years completed by each of the children at the date of the father's death from fifteen, and adding the remainders together; the total gratuity not to be less than £10 or more than £50 although it shall be lawful in the case of motherless children to grant double the amount which would otherwise be given.

24. The final decision of all disputes or questions which may arise under this Proclamation or in respect of the true meaning or construction thereof shall rest with the High Commissioner subject to the approval of His Majesty's Secretary of State for the Colonies.

GOD SAVE THE KING !

Given under my Hand and Seal at Johannesburg this 5th day of December One thousand Nine hundred and Six.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary.

No. 27 OF 1906.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to further amend the Customs Law with regard to spirits imported into and distilled in Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *eleven* of Proclamation No. 8 of 1906 shall be and is hereby repealed and there shall be substituted therefor the following provision:—

> "It shall not be lawful to distil spirits in Basutoland except from the produce of the vine and in the case of spirits distilled in Basutoland from the produce of the vine there shall be levied an excise duty of nine shillings per Imperial proof gallon with an allowance for underproof down to seven shillings and sixpence per gallon and such spirits shall only be distilled disposed of or removed subject to the permission of the High Commissioner and in accordance with Regulations made by him in that behalf; and spirits the produce of the vine manufactured within the South African Customs Union shall on importation into Basutoland be charged with a Customs duty at the rate of nine shillings per Imperial proof gallon with the same allowance as aforesaid for underproof."

2. This Proclamation shall have force and effect on and after the first day of January 1907.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twenty-second day of December One thousand Nine hundred and Six.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

SANCTIONED

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No. 28. of 1906.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to further amend the Customs Law with regard to spirits imported into and distilled in the Bechuanaland Protectorate;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Section eleven of Proclamation No.9 of 1906 shall be and is hereby repealed and there shall be substituted therefor the following provision:-

"It shall not be lawful to distil spirits in "the Bechuanaland Protectorate except from the "produce of the vine and in the case of spirits "distilled in the Bechuanaland Protectorate from "the produce of the vine there shall be levied an "excise duty of nine shillings per imperial proof "gallon with an allowance for underproof down to "seven shillings and sixpence per gallon and such "spirits shall only be distilled disposed of or "removed subject to the permission of the High "Commissioner and in accordance with Regulations made

- by -

"by him in that behalf: and spirits the produce of
"the vine manufactured within the South African
"Customs Union shall on importation into the
"Bechuanaland Protectorate be charged with a customs
"duty at the rate of nine shillings per imperial
"proof gallon with the same allowance as aforesaid
"for underproof".

2. This Proclamation shall have force and effect on and after the first day of January 1907.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 22nd day of December, one thousand nine hundred and six.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. / of 1907.

SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to make provision for increasing the hut-tax payable in the Bechuanaland Protectorate;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby proclaim, declare and make known as follows:-

1. In lieu of the amount provided in Proclamations No.10 of 1899 and No. 6 of 1900 as amended by No.17 of 1904 there shall be paid to the Resident Commissioner or to some person to be appointed by him, for the purpose of the Government of the Bechuanaland Protectorate, a hut-tax at the rate of one pound per annum for the year ending the 31st of March 1909, and every succeeding year.

2. This Proclamation shall be read as one with Proclamation No.10 of 1899 and Proclamation No.6 of 1900 as amended by Proclamation No.17 of 1904, and all the

- provisions -

provisions of the said Proclamations shall apply to the tax to be levied under this Proclamation.

GOD SAVE THE KING!

GIVEN under my hand and seal at Johannesburg this first day of January one thousand nine hundred and seven

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No 2 of 1907.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient that provision should be made to prevent the destruction of certain game in certain parts and during certain periods in the Bechuana-land Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The High Commissioner may from time to time by Notice in the Gazette define areas in the Bechuanaland Protectorate within which any bird or animal specified in such Notice shall be protected and not destroyed for a period specified in such Notice and not exceeding three years and may from time to time revoke add to amend or otherwise vary such Notice.

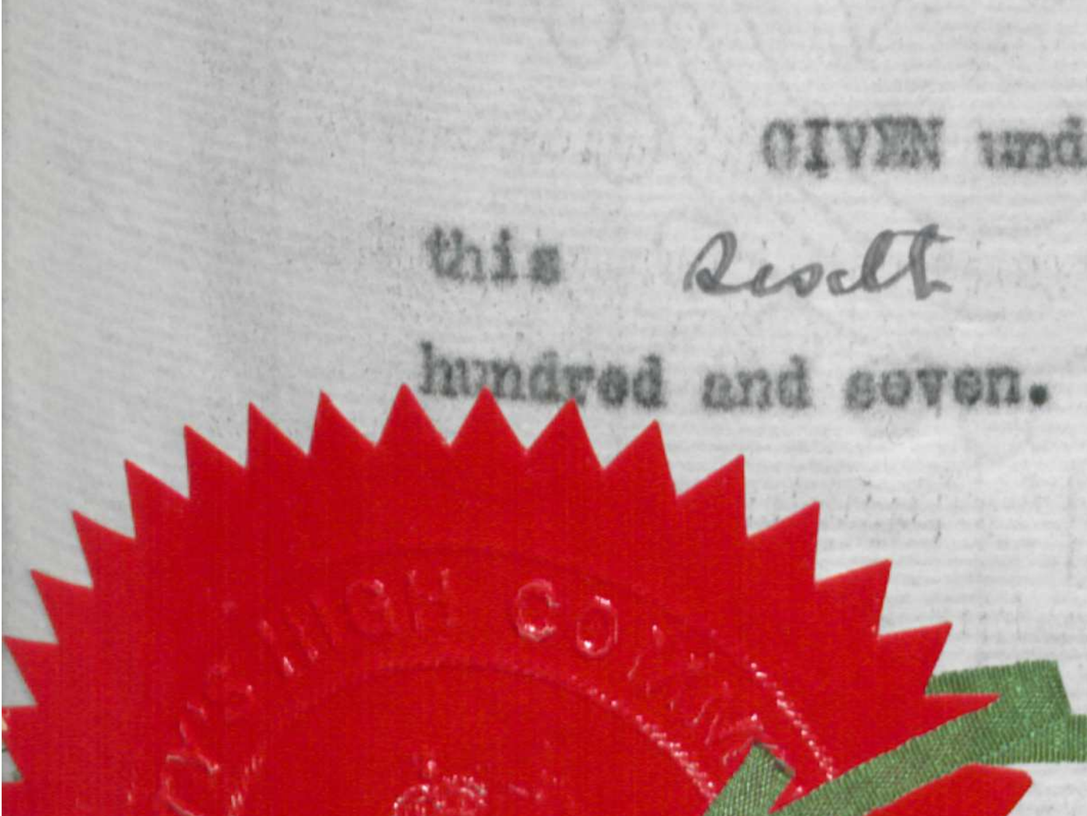
2. Any person who shall save as is hereinafter provided kill catch capture pursue hunt or shoot at any bird or animal mentioned in any such Notice aforesaid in contravention of the terms thereof shall be liable on conviction to a penalty not exceeding £150 or in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months.

3. Nothing in this Proclamation or such Notice aforesaid or in any other law shall apply to Officials of the Protectorate members of the Bechuanaland Protectorate Police and to bona-fide travellers to whom have been issued by the Resident Commissioner permits to kill game at any time in any portion of the Bechuanaland Protectorate when such persons are travelling in portions of the country where adwquate food supplies cannot by any other reasonable means be obtained, and the Resident Commissioner shall be and is hereby authorised to issue any such permits at his own discretion.

4. This Proclamation shall take effect from the date of its publication in the Gazette and shall be read as one with Proclamation No.22 of 1904.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this Revolt day of February one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretar y.

No. 3 of 1907.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by Proclamation No.2 of 1907 provision is made to prevent the destruction of certain game in certain parts and during certain periods in the Bechuanaland Protectorate:

AND WHEREAS it is not intended that the said provision should apply to natives:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Proclamation No.2 of 1907 shall be and is hereby amended by the addition of the following section

"5. Nothing in this Proclamation contained shall apply to any member of a native tribe when engaged in pursuing or hunting game within the limits of the reserve occupied by the tribe of which he is a member".

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G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria

this 14th day of February one thousand nine

hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

SANCTIONED

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No. 4 of 1907.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by an Order of His Majesty in Council dated the twenty-fifth day of June 1903 and entitled "The Swaziland Order in Council 1903" His Majesty was pleased to confer upon and commit to the Governor of the Transvaal certain powers authority and jurisdiction within the territory known as "Swaziland" bounded on the north the west and the south by the Transvaal and on the east by the Colony of Natal and the Portuguese Territory;

And whereas by a further Order of His Majesty in Council dated the first day of December 1906 and entitled "The Swaziland Order in Council 1906" His Majesty was pleased to transfer to and vest in His High Commissioner for South Africa all the powers authority and jurisdiction which were by the first named Order in Council conferred upon and committed to the Governor of the Transvaal as aforesaid and to direct that the Swaziland Order in Council 1906 should commence and come into operation on the publication of the same in the *Official Gazette* of the said High Commissioner;

And whereas the said Swaziland Order in Council 1906 has on the date of the promulgation of this Proclamation been published in the said *Gazette;*

And whereas by virtue of the aforesaid Orders in Council the High Commissioner for South Africa is empowered to appoint a Resident Commissioner and so many fit persons as may be necessary to be Assistant Commissioners and other officers and to assign powers and duties to them and further to provide by Proclamation from time to time with due respect to native laws and customs for the administration of justice the raising of revenue and generally for the peace order and good government of the territory of Swaziland defined as aforesaid;

And whereas it is now expedient to make such appointments establish such administration and make such provision as is necessary for the peace order and good government of the said territory;

Now therefore under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty as aforesaid I do hereby declare proclaim and make known as follows:—

Interpretation of terms.

1. In this Proclamation unless inconsistent with the context;

"Swaziland" shall mean the territory within the limits hereinbefore described;

"*Gazette*" shall mean the *Official Gazette* of the High Commissioner.

What laws to be in force in Swaziland.

2. (1) The Roman-Dutch Common Law save in so far as the same has been heretofore or may from time to time hereafter be modified by statute shall be law in Swaziland and all statute law which is in force in Swaziland immediately prior to the date of the taking effect of this Proclamation shall save in so far as the same is hereby amended or altered or is inconsistent herewith or may hereafter be amended or altered shall be the Statute Law of Swaziland.

(2) Where under any such statute law aforesaid any power or authority is at the date of this Proclamation exerciseable in the Transvaal by the Governor or the Governor in Council such power and authority shall in the application of such law to Swaziland be exercised by the High Commissioner.

Repeal of laws.

3. The laws mentioned in the first column of the Schedule hereto shall be and are hereby repealed to the extent set forth in the second column thereof; provided always that notwithstanding such repeal the Deeds Office and Surveyor-General's Office for Swaziland shall remain at Pretoria in the Transvaal as heretofore and the officers who at the date of this Proclamation respectively exercise in Pretoria the powers and duties of Registrar of Deeds and Surveyor-General for Swaziland shall continue to exercise the same in accordance with the law and regulations then in force in Swaziland until provision shall have been made by law for the establishment of a Deeds Office and a Surveyor-General's Office in Swaziland.

Administrative Officers.

Appointment and powers of Resident Commissioner.

4. (1) There shall be a Resident Commissioner who shall be appointed by commission under the hand and seal of the High Commissioner. The Resident Commissioner shall within Swaziland exercise such administration and control and shall be invested with all such powers authorities and jurisdictions as may be by this Proclamation or any other law or by the terms of his commission conferred upon and committed to him subject always to the directions and instructions of the High Commissioner.

(2) The Resident Commissioner shall further have all the powers authorities jurisdiction and duties specially conferred and imposed upon the Attorney-General (save as otherwise provided in section *seven* hereof) the Colonial Secretary the Commissioner for Native Affairs the Colonial Treasurer the Commissioner of Mines and the Commissioner of Lands of the Transvaal by any law of the Transvaal or by any regulation made under such law which is in force in Swaziland and any further powers authorities jurisdiction and duties which may hereafter be conferred and imposed upon him by the High Commissioner by notice in the *Gazette*.

By whom powers and duties of other officers exerciseable.

5. The powers jurisdictions and duties conferred and imposed on any other officer of the Transvaal Government or on any officer of the Swaziland Administration by any law in force in Swaziland shall be exercised in Swaziland by such officer to whom the same may be assigned by the High Commissioner by notice in the *Gazette*.

Appointment of officers.

6. The High Commissioner may from time to time appoint and remove a Government Secretary and such Assistant Commissioners and Inspectors of Police as he may think necessary; such officers shall exercise such powers jurisdiction and duties as are hereinafter described or as shall be conferred and imposed from time to time by law or defined in their commissions. The High Commissioner may further appoint from time to time and remove such other officers

as he may think necessary who shall perform such duties as shall be assigned to them by him.

Appointment and powers of Crown Prosecutor.

7. For the prosecution of crimes and offences which may have been or may be committed within Swaziland all and singular the rights powers functions and duties conferred or imposed by the Criminal Procedure Code 1903 of the Transvaal upon the Attorney-General thereof shall *mutatis mutandis* be conferred and imposed upon an officer called "the Crown Prosecutor for Swaziland" who shall be appointed and removable by the High Commissioner.

Appointment of persons to act for officers in case of death illness absence etc.

8. The High Commissioner in the case of any officer specially mentioned in this Proclamation or in any other law and the Resident Commissioner in the case of any other officer when and so often as any such officer dies or by reason of absence incapacity through sickness or other cause is unable to attend to his duties may appoint some other fit and proper person to act as and in the place of such officer in the case of death till another appointment is made or during such absence or incapacity: whereupon every right duty power and function conferred or imposed by law or otherwise upon such officer shall and may be exercised and performed as fully and effectually by the person so appointed to act as the same might have been or may be exercised by such officer himself; provided always that in the case of officers specially mentioned in this Proclamation or any other law the acting appointment shall be notified in the *Gazette*.

Administration of Justice.

Courts of Assistant Commissioners and jurisdiction as regards non-Europeans.

9. There shall be and are hereby established so many Courts of Assistant Commissioner as the High Commissioner may from time to time determine which shall have jurisdiction in all civil proceedings in which neither party is a European and in criminal proceedings in which the accused is not a European; provided always that a Court of Assistant Commissioner shall not have jurisdiction to try summarily any person charged with treason murder culpable homicide rape or sedition and in such event the Assistant Commissioner shall proceed in manner prescribed for Magistrates by Chapter VII of the Criminal Procedure Code 1903 of the Transvaal.

Jurisdiction as regards Europeans.

10. Every Court of Assistant Commissioner shall in civil proceedings in which any party thereto is a European and in criminal proceedings in which the accused is a European have the same jurisdiction as is at the date of this Proclamation conferred upon Courts of Resident Magistrate in the Transvaal subject to the provisions hereinafter contained relative to appeal and review provided always that in criminal proceedings in this section mentioned where a Magistrate in the Transvaal would hold a preparatory examination the Assistant Commissioner shall proceed in manner prescribed for Magistrates by the Criminal Procedure Code 1903 of the Transvaal.

Area of jurisdiction of Court of Assistant Commissioner.

11. The area within which any Court of Assistant Commissioner shall have and exercise jurisdiction aforesaid shall be as defined by the High Commissioner from time to time by notice in the *Gazette*.

Review of criminal proceedings in Court of Assistant Commissioner by Resident Commissioner.

12. When and as often as a Court of Assistant Commissioner shall sentence any person upon conviction to be imprisoned with or without hard labour for a period exceeding three months or to pay a fine exceeding twenty-five pounds or to whipping the Assistant Commissioner holding such Court shall forthwith transmit the record of the proceedings with such remarks (if any) as he may desire to append to the Resident Commissioner who may confirm set aside or reduce any such sentence as justice may require and may correct the proceedings of any such Court and when it shall appear necessary or proper may remit such proceedings with such instructions relative to any further proceedings to be had or taken as the Resident Commissioner may think fit to give; provided always that the execution of any such sentence of imprisonment shall not be suspended pending confirmation by the Resident Commissioner under the powers of this section unless the person sentenced shall give bail to the satisfaction of the Assistant Commissioner to surrender himself to undergo imprisonment in case the sentence is confirmed; provided further that no sentence of whipping shall be carried out until the same has been confirmed by the Resident Commissioner.

Appeals to Court of Resident Commissioner.

13. An appeal shall lie in all cases civil and criminal from any judgment sentence or final order of a Court of Assistant Commissioner to the Court of Resident Commissioner hereinafter constituted and the provisions of the Magistrates' Court Proclamation 1902 of the Transvaal and any rules now in force in Swaziland relative to appeals from Courts of Resident Magistrate to the Supreme Court of the Transvaal shall *mutatis mutandis* apply in respect of appeals under this section.

Court of Resident Commissioner.

14. (1) A Court of Resident Commissioner with jurisdiction in all cases civil and criminal shall be and is hereby established in Swaziland and shall be held by and before the Resident Commissioner provided;

(*a*) that in the trial of any person charged with a crime punishable with death such Court shall consist of the Resident Commissioner and two Assistant Commissioners;

(*b*) that in any civil case in which a European is a party and in any criminal case in which the accused is a European such Court shall not try any case mentioned in sub-sections 2 (*a*) and 2 (*b*) of section *fifteen* unless both of the parties or the accused as the case may be shall apply to have such case tried before the Court of Resident Commissioner and such Court shall grant such application. Such application shall in civil cases be made before the pleadings are closed and in criminal cases before the indictment is filed in the Special Court hereafter constituted. On the grant of such application all documents filed in the said Special Court in connection with any such case shall be removed to the Court of Resident Commissioner and the proceedings in respect thereof shall be deemed to be in such Court;

(*c*) that such Court shall not exercise jurisdiction save by way of appeal or review in any case civil or criminal which a Court of Assistant Commissioner as hereinbefore provided has jurisdiction to try.

(2) The Court of Resident Commissioner shall be held at such time and at such place or places as the Resident Commissioner shall from time to time publicly notify.

Special Court of Swaziland.

15. (1) There shall be and is hereby established a Court to be called "The Special Court of Swaziland" which shall be held at such time and at such place or places as the Resident Commissioner shall publicly notify and shall consist of an Advocate of the Supreme Court of the Transvaal appointed by the High Commissioner (as President) and any two Assistant Commissioners nominated in writing by the Resident Commissioner.

(2) Such Court shall have jurisdiction in respect of the following cases:—

(*a*) Civil actions in which either party is a European and in which the claim or value of any property in dispute exceeds one thousand pounds or in which the action is for the divorce of persons joined in matrimony or for a declaration of nullity of marriage.

(*b*) Criminal cases in which the accused is a European and is charged on indictment with any of the following offences: treason murder culpable homicide rape perjury arson offences relating to the coinage; and if the property the subject of the offence exceeds one thousand pounds theft receiving stolen property knowing the same to have been stolen robbery forgery uttering forged documents knowing the same to be forged fraud; and attempts to commit any offence in this sub-section mentioned.

(*c*) Such cases pending in the Court of Resident Commissioner as such Court may on its own mere motion remove to the Special Court aforesaid.

Judgment of majority to be judgment of Court.

16. Whenever any Court established under this Proclamation shall consist of three members and such members differ in judgment the judgment of the majority shall be the judgment of the Court; provided that in every criminal case in which the majority find the accused guilty the member dissenting shall state his reasons in writing for the information of the High Commissioner.

Saving of jurisdiction of native chiefs.

17. Notwithstanding anything in this Proclamation contained the Paramount Chief and other native chiefs shall continue to exercise jurisdiction according to native law and custom in all civil disputes in which natives only are concerned; provided always that any party to such civil dispute may appeal from the decision of any such chief to the Court of Resident Commissioner whose decision shall be final.

Saving of right of appeal to His Majesty in Council.

18. Nothing in this Proclamation contained shall be deemed to deprive any person of any right of appeal to His Majesty in His Privy Council against any final judgment decree sentence or order of the Court of Resident Commissioner or the Special Court of Swaziland.

Who may appear for parties in civil and criminal proceedings.

19. (1) Any person being a party to civil or criminal proceedings before any Court established under this Proclamation may appear by a duly admitted advocate or attorney of the Supreme Court of the Transvaal or of the Chief Court of Swaziland. Any law agent admitted to practise in any Court of Resident Magistrate in the Transvaal may be admitted to practise in any Court established under this Proclamation.

(2) Any person admitted to practise as an advocate attorney notary public or conveyancer of the Supreme Court of the Transvaal or of the Chief Court of Swaziland shall be entitled to practise as such within Swaziland.

By the Chief Court mentioned in this section is meant the Court established in Swaziland by article *four* of the Organic Proclamation 1890.

Power to make Rules of Court.

20. The High Commissioner may from time to time make alter and rescind rules respecting the manner and form of procedure and the fees and charges to be taken by officers and practitioners in any Courts established under this Proclamation; provided always that until such rules are made the Rules of the Supreme Court of the Transvaal now in force therein shall apply *mutatis mutandis* to such matters in the Court of Resident Commissioner and in the Special Court of Swaziland and the Rules of Magistrates' Courts in the Transvaal now in force therein shall apply *mutatis mutandis* to such matters in the Courts of Assistant Commissioner.

High Commissioner may commute criminal sentences.

21. The power at any time to commute a sentence of any Court of criminal jurisdiction now or hereafter established in Swaziland is vested in the High Commissioner and may be exercised by written or telegraphic order addressed to the proper officer of such Court or to any officer charged with the duty of executing or enforcing such sentence.

Death sentences only to be carried out upon special warrant of High Commissioner.

22. No sentence of death passed by any such Court as aforesaid shall be carried into effect except upon the special warrant of the High Commissioner to whom a record of all proceedings in the case shall be forwarded as soon as may be after sentence together with a report upon the case by the person presiding at the trial.

Compulsory sequestration; proceedings in case of.

23. All applications for compulsory sequestration all opposed cases in insolvency and all applications for rehabilitation shall be heard in the first instance by the Court of Assistant Commissioner having jurisdiction in the area in which the alleged insolvent resides and the Assistant Commissioner shall transmit the sworn evidence taken in all such cases together with his report thereon for the consideration of the Court of Resident Commissioner which shall exercise all the powers of the Supreme Court of the Transvaal or of any Judge thereof to accept or refuse the voluntary surrender and to order the compulsory sequestration of estates as insolvent and also to grant postpone or refuse rehabilitation; provided that insolvent schedules sent to the Resident Commissioner for acceptance shall be accompanied by a certificate from the Assistant Commissioner having jurisdiction as aforesaid to the effect that

the provisions of article *three* of Law No. 13 of 1895 of the Transvaal or any amendment thereof in force in Swaziland have been complied with.

Suits pending to be removed into the Court established under this Proclamation.

24. All proceedings civil or criminal pending in any Court lawfully established in Swaziland at the date of this Proclamation shall be taken to be removed as from the date of the taking effect of this Proclamation into such Court established hereby as may by virtue of this Proclamation have jurisdiction in respect of such proceedings and shall be dealt with and determined by any such Court in accordance with the provisions hereinbefore contained; provided that in the taxation of bills of costs in any such proceedings the fees recoverable in respect of any matter or thing done prior to the date aforesaid shall be in accordance with the tariff of fees prescribed for the Court in which such proceedings were pending.

Police.

Establishment of a Police Force.

25. There shall be established and maintained within Swaziland a force of police to be known as the "Swaziland Police" of such strength and so constituted and organised as the High Commissioner may from time to time direct. The High Commissioner shall also direct as he may think fit the employment and distribution of the said force. The members of the said force shall further have all the powers and duties which are conferred and imposed upon police constables by any law in force in Swaziland.

The provisions of section *six* of this Proclamation shall apply in respect of the appointment removal and the exercise of powers and duties of officers of the said force.

Power to make regulations relative to enlistment discipline and punishment for breaches of discipline.

26. The High Commissioner may from time to time make alter and rescind regulations relative to the enlistment discipline discharge training arms accoutrements clothing and equipment of the said force and relative to all such matters as are necessary for promoting its discipline and efficiency and may further by such regulations provide for the trial of members of such force by officers or boards of officers for breach of any such regulations and specify the punishments whether of fine imprisonment or degradation which may be imposed by such officers or boards of officers.

All regulations made under the powers of this section shall on their publication in the *Gazette* have the force of law.

Miscellaneous Provisions.

Ex-officio Justices of the Peace.

27. The Resident Commissioner the Government Secretary and all Assistant Commissioners Inspectors and Sub-Inspectors of Police shall be *ex-officio* Justices of the Peace for Swaziland and shall be authorised and are hereby required to administer oaths and take solemn declarations in matters where statements upon oath or solemn declarations are required by law or when otherwise requested so to do and shall further exercise all powers authorities jurisdiction and duties conferred and imposed on Justices of the Peace by any law which may be in force in Swaziland for the time being.

28. Every convicted prisoner and every person liable to detention as a lunatic or leper in Swaziland may be removed in the case of a convicted prisoner to the Transvaal to any prison therein until the expiration of his sentence or release according to law and in the case of a lunatic or leper to a lunatic or leper asylum as the case may be in the Transvaal for the purpose of detention therein in accordance with the laws of the Transvaal and any such prisoner lunatic or leper shall be deemed to be in lawful custody within Swaziland while in the course of such removal. A warrant under the hand of the Resident Commissioner authorising such removal shall be deemed to be sufficient authority therefor. The Resident Commissioner may enter into agreements with the Transvaal Government relative to the maintenance of any such convicted prisoner lunatic or leper removed to and detained in the Transvaal as aforesaid.

Power to remove convicted persons lunatics and lepers to the Transvaal.

29. This Proclamation may be cited for all purposes as the Swaziland Administration Proclamation 1907 and shall have force and effect as from the date of its first publication in the *Gazette*.

Title and date of taking effect.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-second day of February One thousand Nine hundred and Seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary.

Schedule.

Laws Repealed.	*Extent of Repeal.*
Swaziland Administration Proclamation 1904 (No. 3 of 1904)	Sections *one two three four five six* and *eight.*
Proclamation No. 6 (Swaziland) 1904.	The whole.
Proclamation No. 4 (Swaziland) 1905.	The whole.

No. 5 of 1907.

SANCTIONED

C. O.
9623
REC'D
REGD 16 MAR 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS by certain Orders of His Majesty in Council entitled respectively the Swaziland Order-in-Council 1903 and the Swaziland Order-in-Council 1906 the High Commissioner for South Africa is empowered from time to time to provide by Proclamation for the peace order and good government of the Territory known as Swaziland the limits of which are defined in the first of such Orders-in-Council;

AND WHEREAS it is desirable to make provision for Postal and Telegraph services within the said territory and as between such territory and any place without the same;

NOW THEREFORE under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty as aforesaid I do hereby declare

- proclaim -

proclaim and make known as follows:-

1. The High Commissioner may from time to time enter into agreements with the Government of the Transvaal for the carrying out by the said Government of postal and telegraph services within the said territory or between the said territory and places outside the same and for the carrying on of a Post Office Savings Bank in the said territory. The High Commissioner may further from time to time enter into any modifications or variations of agreements made by him under the powers of this section. All such agreements and any modifications or variations thereof shall be in writing.

2. As soon as any such agreement as aforesaid has been entered into the Postmaster-General of the Transvaal and any officials acting under him shall have in or in relation to the said territory all the powers authorities and duties conferred and imposed upon him or them by any law relating to Posts or Telegraphs or Post

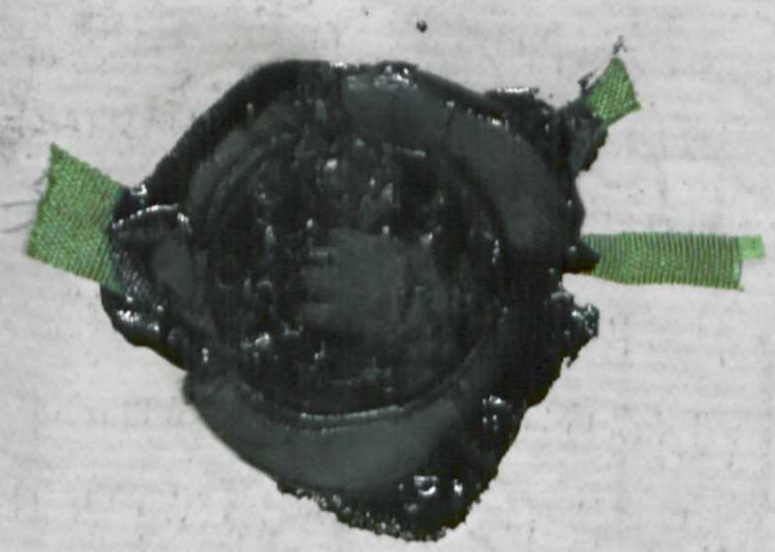
- Office -

Office Savings Banks in force in the said territory.

3. This Proclamation shall have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

GIVEN under my Hand and Seal at Pretoria this 22nd day of February one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary.

No. 6 of 1907.

SANCTIONED

C. O.
9622
REC^D
REG^D 16 MAR 07

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by an Order of His Majesty in Council dated the first day of December 1906 entitled the Swaziland Order-in-Council 1906 all the powers and authorities which were by the Order of His Majesty in Council dated the 25th day of June 1903 (and entitled the Swaziland Order-in-Council 1903) or otherwise vested in and exercised by the Governor of the Transvaal were transferred to and made exercisable by His Majesty's High Commissioner for South Africa;

AND WHEREAS it is expedient to amend Proclamation No. 11 (Swaziland) 1906 entitled the Swaziland Concessions Commission (Costs) Proclamation 1906;

NOW THEREFORE under and by virtue of the

- powers -

powers authorities and jurisdiction conferred upon and committed to me by His Majesty as aforesaid I do hereby declare proclaim and make known as follows:-

1. Section one of the said Proclamation shall be and is hereby amended by the omission therefrom of all words beginning at the words "such costs" to the end of the section and by the substitution for the words so omitted of the following:-

"Such costs shall be taxed by the Secretary to "the Commission and the payment thereof may be enforced "by writ of execution issued out of the Resident "Commissioner's Court of Swaziland as if such order "had been made by such Court".

2. This Proclamation shall be read as one with Proclamation No. 11 (Swaziland) 1906 and shall have force and effect from the date of its publication in the Gazette.

- GOD -

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria this 22nd day of February one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of HisExcellency the High Commissioner.

C H Rothwell

Imperial Secretary.

No. 7 of 1907.

C. O.
10659
RECD
REGD 23 MAR 07

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the registration of brands within the Bechuanaland Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. In this Proclamation unless the context otherwise requires the following terms shall have the meanings herein respectively assigned to them that is to say -

"Brand" shall mean the impression of any letter sign or character branded upon any horse cattle or ostrich and the impression of any letter sign or mark branded on the body of any sheep or goat or made upon the wool of any sheep or goat by pitch paint tar or other substance;

"Brand Directory" shall mean the authorised list of Brands compiled by the Registrar and published by authority;

- "Cattle" -

"Cattle" shall mean any bull cow ox heifer steer or calf;

"Fees" shall mean any fees rates or charge s which any person may be liable to pay under this Proclamation or any regulations made in pursuance thereof;

"Horse" shall mean any horse mare gelding colt filly ass or mule;

"Proprietor" shall mean the registered proprietor of any brand;

"Registrar" shall mean the Registrar of Brands appointed for the purposes of this Proclamation;

"Similar Brand" shall mean a brand so like another brand as to be likely to be mistaken for it.

2. The High Commissioner may from time to time appoint and may suspend or remove when appointed

(1) A Registrar of brands for the Bechuanaland Protectorate;

(2) Deputy Registrars for any Districts thereof who shall be subordinate to the Registrar for the purposes of this Proclamation;

and may from time to time determine the place or places at which shall be situate the office of the Registrar or Deputy Registrars and the areas within which Deputy Registrars shall exercise their powers and duties.

3. The Registrar shall keep separate Registers for the registration of brands of

(1) Horses;

(2) Cattle;

(3) Sheep and goats;

(4) Ostriches.

4. Every owner of such animals or ostriches as are referred to in the last preceding section may deposit the prescribed fees and make application in writing to the Registrar or the Deputy Registrar of the District in which he resides to be registered as the proprietor of a brand; such brands may be separate in respect of any one or more of such class of animals or ostriches.

5. The Registrar or Deputy Registrar upon receiving any such application and upon payment of the prescribed fees shall send to the applicant a certificate of such receipt.

6. If at the time when the Registrar shall receive any such application as is mentioned in section four there shall already be in the Register any identical or similar brand or if the registration of any brand applied for is prohibited by this Proclamation or by any regulation made hereunder the Registrar shall forthwith return to the applicant the fees deposited and give notice in writing to the applicant of the reason for rejecting his application.

7. The Registrar upon the receipt of any application not liable to rejection as aforesaid and

- upon -

upon payment of the prescribed fees shall cause an entry thereof to be made in a book to be kept for that purpose; and he shall cause notices setting forth the name and residence of the applicant and the description of his brand to be displayed for at least one month in some public place or places in every district.

8. If within one month of the issue of the notices aforementioned no application shall have been made by any other person for the registration of the same or a similar brand the brand notified shall be deemed to be the brand of the applicant and he shall be registered accordingly as the proprietor thereof.

9. (1) If within one month of the issue of the said notices one or more other applications shall have been received by the Registrar of Brands for the registration of the same or a similar brand he shall cause notice to be given in writing to every applicant describing such application and call upon the applicants within two months from the date of such notice to arrange such modifications of their proposed brands that they shall no longer be identical with or similar to each other;

(2) Unless the applicants shall within the said two months or within such further time as may be allowed agree upon and communicate in writing to the Registrar modifications approved by him the Registrar may make such modifications as he may deem necessary in

all or any of the proposed brands;

(3) The Registrar shall give notice of any such modification to the several applicants and thereupon register the several applicants as the proprietors of the respective brands as modified and settled by him.

10. The Registrar shall forward to every applicant a certificate of registration as soon as the registration shall be completed.

11. The letter sign or character prescribed by regulations for any District or group of Districts shall form part of every brand registered for the area in which such letter sign or character refers.

12. If any brand shall contain any form or designation other than letters or numerals such brand shall not be registered until the applicant shall have defrayed the cost of preparing a type or block of such brand.

13. As soon as may be after the 31st day of December in each year the Registrar shall compile a Brand Directory containing a correct and complete list of all registered brands and of names and residences of all proprietors registered up to date.

14. Any registered proprietor may cede and transfer his right to any registered brand to any other person in

such form as may be prescribed; such transfer shall only have validity when registered by the Registrar upon payment of such fee as may be prescribed. Every person receiving such cession and transfer shall after due registration thereof be entitled to a certificate thereof under the hand of the Registrar.

15. Any person not being the registered proprietor of any brand in any district and not acting with the authority of such proprietor who shall impose or cause to be imposed upon any horse cattle sheep = goat or ostrich as the case may be any such registered brand shall be liable upon conviction to a fine not exceeding £10 and in default of payment to imprisonment with or without hard labour for any term not exceeding one month.

16. On the trial of any person for the theft of any horse cattle sheep = goat or ostrich or for receiving such horse cattle sheep = goat or ostrich or any part or portion thereof knowing the same to have been stolen it shall be competent for the prosecution to give evidence that the brand upon the animal or ostrich alleged to have been stolen is the registered brand of the person alleged to be the owner of such animal or ostrich or of some person through or from whom such owner derived his right to such animal or ostrich and a certificate under the hand of the Registrar shall constitute <u>prima facie</u> evidence of the facts therein stated.

17. On the trial of any such person as aforesaid who shall have been apprehended in possession of any

animal or ostrich branded with any registered brand upon proof being given of the ownership of such animal or ostrich and that a theft thereof has been committed the onus of proof that such animal or ostrich was lawfully in his possession or of satisfactorily accounting for such possession shall be upon the person charged.

18. The High Commissioner may from time to time make amend alter or repeal such regulations as may be necessary for the proper carrying out of the provisions of this Proclamation and more especially may prescribe:-

(1) The forms in which applications for and certificates of registration shall be made;

(2) The form and manner of giving any notice required but not specially provided for by this Proclamation;

(3) The form in which any transfer or cession of the right to any registered brand shall be effected;

(4) The size of any brands entitled to registration, the portions of the body on which animals of the several classes or ostriches shall respectively be branded and the order in which different brands shall be imposed;

(5) The fees to be paid under the provisions of this Proclamation;

and may by such regulations prescribe penalties for any breach thereof not exceeding five pounds sterling or in default of payment of such fine to imprisonment with or without hard labour for any term not exceeding fourteen days.

19. This Proclamation shall have force and effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria this 28th day of February one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 8 of 1907.

SANCTIONED

C. O.
11430
RECD
REGD 30 MAR 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by certain Orders of His Majesty in Council entitled respectively the Swaziland Order in Council 1903 and the Swaziland Order in Council 1906 the High Commissioner for South Africa is empowered from time to time to provide by Proclamation for the peace order and good government of the territory known as Swaziland the limits of which are defined in the first of such Orders in Council;

AND WHEREAS the testimony of persons residing in Swaziland is from time to time required in the Courts of Law of neighbouring Colonies and Territories and it is further necessary lest the ends of justice be defeated that provision should be made (1) for compelling the attendance of such persons before the said Courts (2) for their examination in Swaziland by means of interrogatories; and

NOW THEREFORE under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty as aforesaid I do hereby declare proclaim and make known as follows:-

PART I.

Subpoena

1. Whenever a subpoena purporting to be issued by

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issued by Court of Colony or Territory in South Africa and transmitted to a Resident Commissioner or Assistant Commissioner of Swaziland for service to be endorsed by such Commissioner and served by messenger.

the proper officer of a competent Court in any Colony or Territory in South Africa to which this Part of this Proclamation applies has been transmitted by such officer to the Resident Commissioner of Swaziland or to an Assistant Commissioner of any district thereof in which there resides or is a person whose attendance is required as a witness in such Court aforesaid it shall be the duty of any such official to whom the said subpoena has been transmitted as aforesaid to endorse thereon his order that the same be served on the person named therein and the subpoena so endorsed shall thereupon be delivered to the officer proper for the service of the process of the Court of the said Resident Commissioner or Assistant Commissioner as the case may be or to such other person as the official endorsing shall specially appoint for the purpose and it shall be the duty of such officer or other person to serve such subpoena as soon as practicable on the person named therein; provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena and to be incurred during his detention at the place where his evidence is given shall have been transmitted to the official to whom the subpoena shall have been transmitted together with the said subpoena; and provided further that the portion of the expenses aforesaid assigned to the person named in the said Subpoena shall have been paid to him by the officer or other person serving the same.

Power to High Commissioner to make alter or rescind a tariff of expenses.

2. The High Commissioner may from time to time make alter or rescind a tariff of such expenses as are mentioned in the last prededing section in respect of any Colony or Territory to which this Part of this Proclamation applies.

Penalty for non-attendance of person subpoenaed and how recoverable.

3. Any person who shall have been served with such subpoena as in section one is provided and shall not have attended at the time and place mentioned therein shall be liable to a penalty not exceeding one hundred pounds unless he shall offer a valid and lawful excuse for such non-attendance; and every such penalty shall be recoverable in the Court of Assistant Commissioner of the district in which he shall be residing at the instance of the Government of Swaziland.

How non-attendance of person subpoenaed to be proved.

4. The return of the person who under section one of this Proclamation is authorised to serve a subpoena showing that service has been duly made together with a certificate under the hand and seal of the presiding Judge Magistrate or other judicial officer of the Court from which the said subpoena was issued showing that the person so served did not attend when called upon and did not establish any valid and lawful excuse for his default shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

Privilege of freedom from arrest during attendance at Court in Swaziland.

5. No person resident in any Colony or Territory to to which this Part of this Proclamation applies who may be summoned as a witness before any Court of Swaziland and whose attendance before such Court shall be enforced by any law of such Colony or Territory shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or for any offence formerly committed by him in Swaziland.

PART II

Examination by interrogatories of persons whose evidence is required in civil cases in Magistrates' Courts in neighbouring Colonies or Territories.

6. If any civil cause or matter be pending in a Court of Resident Magistrate of any Colony or Territory in South Africa to which this Part of this Proclamation applies and the Resident Magistrate of such Court shall certify that the evidence of a person resident or being in Swaziland is required in such cause or matter and shall transmit such certificate to the Assistant Commissioner of the district in which such person resides or is together with any interrogatories duly and lawfully framed which it is desired to put to such person it shall be the duty of such Assistant Commissioner upon receipt;

(1) of such certificate and interrogatories;

(2) of the expenses payable to such person for his appearance as herein provided;

(3) of the amount payable in fees or stamps for the issue and service of the summons herein mentioned;

to summon such person to appear before him and upon such appearance to take the evidence of such person as if he were a witness in a civil case in the Court of such Assistant Commissioner and to put to such person the interrogatories aforesaid together with any other questions calculated to obtain full and true answers to such interrogatories and to take down or cause to be taken down the evidence so obtained and to transmit the same certified as correct to the Resident Magistrate in whose Court such civil cause or matter is pending.

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It shall further be the duty of the Assistant Commissioner who has obtained such evidence to transmit to the Resident Magistrate in whose Court the said cause or matter is pending a certificate showing the amount paid to the person aforesaid in respect of the expenses of appearance and the cost of the issue and service of any summons aforesaid.

The term "Resident Magistrate" in this section when used in reference to a Court of any Colony or Territory in South Africa to which this Part of this Proclamation applies shall include an Assistant Resident Magistrate Resident Commissioner and Assistant Commissioner or other judicial officer of such Colony or Territory having like jurisdiction.

Power to High Commissioner to frame tariff of expenses and fees for process.

7. The High Commissioner may from time to time make alter and rescind a tariff of expenses payable to persons summoned before an Assistant Commissioner under the provisions of the last preceding section and of the fees and stamps payable in respect of the issue and service of any such summons.

Penalty on Person summoned for non-attendance.

8. Any person required to appear before an Assistant Commissioner under the provisions of section six shall be summoned in like manner and be liable to like penalties in the event of his non-attendance as if he had been summoned to give evidence before a Court of Assistant Commissioner in Swaziland.

Inter-rogatories lawfully taken in Colonies etc. to which this Part of this Proclamation applies received as evidence in Courts in Swaziland.

9. Whenever under any law in force in any Colony or Territory of South Africa to which this Part of this Proclamation applies the evidence of persons who reside or may be in such Colony or Territory has been taken by means of interrogatories for the purpose of using the same in any civil cause or matter pending in any Court of Swaziland such evidence if certified by the proper officer as having been taken in accordance with the law of such Colony or Territory shall (subject to all lawful objections) be received as evidence in such civil cause or matter.

G E N E R A L.

Taking effect of either Part of this Proclamation.

10. (1) Part I of this Proclamation shall take effect so far as concerns any Colony or Territory in South Africa as soon as the High Commissioner shall by notice in the Gazette declare that such Colony or Territory has made due provision to compel the attendance of persons resident in such Colony or Territory as witnesses before the Courts of Swaziland.

(2) Part II of this Proclamation shall take effect so far as concerns any Colony or Territory in South Africa as soon as the High Commissioner shall by notice in the Gazette declare that such Colony or Territory has made due provision for taking by interrogatories the evidence of persons resident in such Colony or Territory when such evidence is required in civil cases in Courts of Swaziland.

GOD SAVE THE KING!

Given under my Hand and Seal at Pretoria this 4th day of March One thousand Nine hundred and Seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rochussen

Imperial Secretary.

No. 9 of 1907.

C. O.
24803
RECD
REGD 13 JUL 07

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to provide for the carrying out of the powers duties and jurisdiction of the Commandant-General of the Police Force of Southern Rhodesia known as the British South Africa Police Force (hereinafter described as the Force) during the absence or incapacity of such officer;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. When and so often as by reason of the absence from Southern Rhodesia or of the incapacity through sickness or other cause the Commandant-General of the Force is unable to carry out any of the powers jurisdiction and duties conferred and imposed upon him by Proclamation No.18 of 1904 or by any Notice issued thereunder any such power or jurisdiction may and any

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such duty shall be carried out by the person who is for the time being the senior officer of the Force and the exercise of any such power jurisdiction or duty shall in such circumstances aforesaid be as valid and effectual as if the same had been exercised by the said Commandant-General himself.

2. This Proclamation shall have force and effect from the date of its first publication in the <u>official Gazette</u> of the High Commissioner.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Pretoria the twenty-eighth day of March one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Bodkin

Imperial Secretary.

C. O.
18599
Recd
Regd 25 MAY 07

SANCTIONED

No. 10 of 1907

P R O C L A M A T I O N

by

His Excellency the High Commissioner.

WHEREAS it is expedient to declare the circumstances in which documents executed outside Swaziland and intended for use in any Court or public office in Swaziland shall be deemed to be sufficiently authenticated or legalized;

NOW THEREFORE under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. In this Proclamation unless inconsistent with the context;

"document" shall mean any deed contract power of attorney affidavit or other writing not of a public nature;

"authentication" shall mean when applied to a document the verification of any signature thereon.

2. Any document executed outside Swaziland shall be deemed to be sufficiently authenticated for the purpose of use therein if;

(a) in the case of a document executed in the United Kingdom it be duly authenticated by a Notary

Public

Public under his signature and seal of office:

(b) in the case of a document executed in any part of His Majesty's Dominions outside South Africa and the United Kingdom it be duly authenticated by the signature and seal of office of the Mayor of any town or a Notary Public or of the Permanent Head of any Government Department in any such part of His Majesty's Dominions;

(c) in the case of a document executed in any of His Majesty's Colonies or Protectorates in South Africa it be duly authentisated by the signature and seal of office of any Notary Resident Magistrate Permanent Head of a Government Department Resident Commissioner or Assistant Commissioner in or of any such Colony or Protectorate;

(d) in the case of a document executed in any place outside His Majesty's Dominions (in this section described as a foreign place) it be duly authenticated by the signature and seal of office;

(i) of a British Consul or Vice-Consul of such foreign place;

(ii) of any Secretary of State Under Secretary of State Governor or Colonial Secretary in such foreign place.

3. Notwithstanding anything in the last preceding section contained it shall be sufficient authentication of a document executed in any part of His Majesty's Dominions for use in Swaziland which affects or relates to property not exceeding in amount or value two hundred pounds sterling if there be appended to or

endorsed

endorsed on such document a statement signed by a Magistrate or a Justice of the Peace of the part of His Majesty's Dominions in which such document is executed;

(a) that the person executing such document is a person known to him; or

(b) that two other persons (known to him) have severally testified before him that the person executing such document is a person known to each of them.

4. No power of attorney executed in any of His Majesty's Colonies or Protectorates in South Africa and intended as an authority to any person to take defend or intervene in legal proceedings in any Court of Assistant Commissioner in Swaziland shall require authentication provided any such power of attorney shall appear to have been duly signed and the signature thereto attested by two competent witnesses.

5. Nothing in this Proclamation contained shall affect the law of evidence in force in Swaziland as to the proof of any document in legal proceedings nor shall affect the special provisions of any other law as to authentication of any document.

6. This Proclamation shall have force and effect from the 1st day of May 1907.

GOD

GOD SAVE THE KING !

Given under my Hand and Seal at Pretoria

this 6th day of April One thousand Nine hundred and Seven.'



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

L H Rodwell

Imperial Secretary.

C. O.
18601
Rec'd
Reg'd 25 MAY 07

SANCTIONED

No. 11 of 1907.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS the disease known as "Scab" exists amongst sheep and goats in certain areas in the Bechuanaland Protectorate: and whereas it is expedient to make provision for the prevention of the spread within the said Protectorate;

Now, therefore, under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The operation of this Proclamation shall be limited to the following areas within the Bechuanaland Protectorate:- the Baralong Farms, the farm Panyani or Ramathlabama's Kuil adjoining the Ramathlabama Spruit, the farm Hildavale, the Lobatsi Block, the Gaberones Block, the Gaberones Crown Reserve, the Tuli Block, and the Tati District excluding the portion bounded on the East by the Railway line from Ramaquebane to Bosoli Siding and by a straight line drawn from Bosoli Siding to the Junction of the Vukwe and Shashi Rivers.

2. Whenever the owner or person in charge of any sheep shall become aware or shall have reasonable grounds for suspecting that the same have become infected

- with -

with the disease he shall within seven days thereafter give notice to the Assistant Commissioner, Resident Magistrate or Police Officer of the area in which such sheep shall be and shall further proceed to make proper and diligent efforts to cleanse such sheep. Every owner or person in charge of any sheep who fails to make such efforts or to give such notice within seven days as aforesaid shall be guilty of contravention of this Proclamation.

3. Upon receiving such notice the Assistant Commissioner. Resident Magistrate or Police Officer shall inspect or cause to be inspected the sheep in respect of which such notice shall have been given and if it shall appear that any sheep are infected the Assistant Commissioner, Resident Magistrate or Police Officer shall give the owner or person in charge an order in writing to cleanse such sheep within six weeks from the date thereof.

4. If any owner or person in charge shall refuse to carry out any instructions given by the Assistant Commissioner, Resident Magistrate or Police Officer as to cleansing any sheep or if at the expiration of six weeks from the issue of the order it shall appear to the Assistant Commissioner, Resident Magistrate or Police Officer that such sheep are still infected the said Assistant Commissioner, Resident Magistrate or Police Officer may take such sheep and have them cleansed at the expense of the owner.

5. During the period for which an order to cleanse any sheep is given no such sheep nor any sheep with which they may have been in contact shall be removed from the place or farm where they then are to any other place or farm without the permission in writing of an Assistant Commissioner, Resident Magistrate or Police Officer and any person removing or ordering or causing or allowing or permitting the removal of such sheep without such permission shall be guilty of a contravention of this Proclamation.

6. No owner or person in charge of sheep shall remove or cause or permit to be removed any infected sheep from any place or farm and any person so removing or causing or permitting the removal of such sheep shall be guilty of a contravention of this Proclamation.

7. Any owner or person in charge of sheep who shall remove or cause or permit to be removed any infected sheep to any area mentioned in Section <u>one</u> of this Proclamation, or who shall by carelessness or neglect allow any infected sheep to stray on to any such area shall be guilty of a contravention of this Proclamation.

8. No person shall refuse to allow any Assistant Commissioner, Resident Magistrate or Police Officer or Person nominated by him to enter upon any land, Pasturage or premises or to examine any sheep or shall attempt to impede or hinder any such Assistant Commissioner, Resident Magistrate or Police Officer or Person nominated by him from examining such sheep or premises or shall obstruct him in the execution of

his duties under this Proclamation.

9. If upon an inspection or upon any information received it shall appear to any Assistant Commissioner, Resident Magistrate or Police Officer that any sheep running or kept on any location within his district or belonging to any occupant or occupants of such location are infected it shall be lawful for such Assistant Commissioner, Resident Magistrate or Police Officer forthwith to take such sheep and cause the same to be cleansed at the expense of the owner or owners thereof.

10. The Resident Commissioner or any person thereto authrosied by him may after being satisfied of the existence of the disease order and direct the isolation, treatment or destruction of any sheep which he may deem it desirable to isolate, treat or destroy.

11. For the purpose of this Proclamation the term sheep shall include goat; and the term "disease" shall mean the disease known as scab.

12. Any person who shall contravene the provisions of this Proclamation or wilfully disobey or neglect to comply with any order made thereunder or who shall impede hinder or obstruct any officer in carrying out his duties thereunder shall upon conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

13. This Proclamation shall have force and take effect from the date of its publication in the Gazette

GOD SAVE THE KING !

Given under my hand and Seal at Pretoria this 1st day of May One thousand Nine hundred and Seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary.

~~SWAZILAND.~~

N.W. Rhodesia

No. 12 of 1907.

C.O
18602
RECD
REGD 25 MAY 07

SANCTIONED

PROCLAMATION BY HIS EXCELLENCY THE HIGH COMMISSIONER.

UNDER and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

FROM and after the date of the first publication of this Proclamation in the Gazette Proclamation No.8 of 1905 shall be repealed save as to acts done appointments made offences committed penalties incurred or proceedings instituted thereunder before such date aforesaid.

GOD SAVE THE KING !

Given under my hand and seal at Fort Jameson this 21st day of May in the year of Our Lord One thousand Nine hundred and Seven.

(L.S.)

Sellwood

High Commissioner.

AND OF HIS EXCELLENCY THE HIGH COMMISSIONER,

C.H. Rodwell

Imperial Secretary.

an administrative Proclamation
Not subject to disallowance.

[I It should not have been included amongst the enactments of Swaziland]

No. 13 of 1907

C. O.
19565
Rec^d
Reg^d 1 JUN 07

P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS by section thirty-five of the Administration of Estates Proclamation 1902 (Transvaal) (which Proclamation as amended by Ordinance No.15 of 1905 has been applied mutatis mutandis to Swaziland) it is provided that sections thirty-six thirty-seven and thirty-eight of the said Proclamation shall come into force with regard to all letters of administration at any time granted in any state (in which term is included the United Kingdom any British Colony and British Possession) at and from a date to be notified declaring such State to fall under the provisions of the said sections;

AND WHEREAS proper provision has been made in the Colony of the Transvaal for the recognition therein of letters of administration granted in Swaziland;

NOW THEREFORE under and by virtue of the powers in me vested by the said section thirty-five of the Administration of Estates Proclamation 1902 and by sub-section (2) of section two of the Swaziland Administration

Proclamation 1907 I do hereby declare proclain and make known that the Colony of the Transvaal shall at and from the date of the publication of this Proclamation in the Gazette fall under the provisions of section thirty-six of the Administration of Estates Proclamation 1902 as amended by section four of Ordinance No.15 of 1905 and of sections thirty-seven and thirty-eight of the said Proclamation in the application of such Proclamation to Swaziland.

G O D S A V E T H E K I N G

Given under my Hand and Seal at Pretoria this 24th day of May One thousand Nine hundred and Seven.



Selborne

High Commissioner

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretary.

SANCTIONED

C. O.
23124
Rec'd
29 JUN 07

No. 14 of 1907.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend so much of Proclamation No. 9 of 1899 defining the boundaries of the Native Reserves within the Bechuanaland Protectorate as purports to confer upon the Bakwena tribe the right to use certain waters outside the limits defined as a reserve for such tribe and within the limits defined as a reserve for the Bakhatla tribe:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The last paragraph of Section 3 of Proclamation No. 9 of 1899 shall be and is hereby repealed and there shall be substituted therefor the following provision -

"The water of the Kopong and Kopi Spruits shall be "for the common use of the Bakhatla and Bakwena "tribes for such distances along the courses of "such spruits as the same form a common boundary "between the Bakhatla Native Reserve and the Bakwena "Native Reserve as herein defined."

2. This Proclamation shall have force and effect from the date of its first publication in the Gazette and shall be read as one with Proclamation No. 9 of 1899.

GOD SAVE THE KING

GIVEN under my Hand and Seal at Pretoria This 31st day of May one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 15. of 1907.

SANCTIONED

C. O.
23135
Rec'd
29 JUN 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by the Order-in-Council of Her late Majesty dated the ninth of May 1891 the High Commissioner is empowered to provide for the peace and good government of all persons within the limits of the said Order including the prohibition and punishment of acts tending to disturb the public peace:

AND WHEREAS it is expedient to make further provision relative to the peace order and good government of that portion of the said limits which is known as the Bechuanaland Protectorate (hereinafter called the "Protectorate"):

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Proclamation No.21 of 1906 shall be and is hereby repealed.

2. The High Commissioner on its being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in the Protectorate is a danger to the peace thereof may instruct the Resident Commissioner to issue an order under his hand directing such person to leave the Protectorate within such time after service of the order

- on -

on such person as may be specified therein and if on the expiration of such period and during the continuance of such order such person shall be found within the Protectorate he shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months and with or without a fine not exceeding one hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

3. The High Commissioner may on its being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in the Protectorate is dangerous to the peace thereof instruct the Resident Commissioner to issue an order under his hand directing any such person to confine himself within such limits of the Protectorate and for such period as may in such order be specified or during His Majesty's pleasure. If any such person shall neglect or refuse to comply with the terms of any such order or shall during the period therein mentioned and during its continuance depart from the limits therein specified without the written permission of the High Commissioner or the Resident Commissioner or shall while within such limits do any further act which is a danger to the peace of the Protectorate he shall be guilty of an offence and shall be liable on conviction to the penalties mentioned in section two hereof.

4. The High Commissioner may instruct the Resident Commissioner to issue an order for the apprehension and

removal from the Protectorate to any place without its limits of any person whom he has reasonable grounds for believing is a danger to the peace thereof and whether or not an order shall have been issued under sections two or three of this Proclamation in respect of such person; provided that no person shall be removed from the Protectorate under the powers of this section unless or until there shall be provision in the territory to which he is to be removed and in the territory through which he may pass in course of removal for his detention in lawful custody therein. Any such person aforesaid who shall be found within the Protectorate without the written permission of the High Commissioner or Resident Commissioner after having been removed therefrom shall be liable on conviction to the penalties mentioned in section two hereof and at the expiration of any term of imprisonment imposed on such conviction to be again removed from the Protectorate in manner aforesaid.

5. Any order issued under the provisions of this Proclamation may be revoked renewed or varied as to the terms thereof from time to time.

6. It shall be lawful for any police constable or officer to arrest without warrant any person in respect of whom an order has been issued under this Proclamation if he shall be reasonably suspected of acting in contravention of such order or who is found within the Protectorate after having been removed therefrom under the powers of section four without the written permission of the High

Commissioner or the Resident Commissioner.

7. Any person aiding or attempting to aid any person to do any act which shall amount to a contravention of this Proclamation or shall aid or attempt to aid in the escape from custody or confinement of any person subjected thereto under this Proclamation shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding two years.

Take

8. This Proclamation shall have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my hand and seal at Pretoria this 3rd day of June one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Windham

Imperial Secretary.

No. 16 of 1907.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to consolidate and amend the law which is in force in Basutoland relating to stamp duties and fees on documents payable by means of stamps;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

REPEAL OF LAWS.

1. So much of the law of the Colony of the Cape of Good Hope relating to stamp duties and fees on documents payable by means of stamps as is at the date of this Proclamation of force and effect in Basutoland shall be and is hereby withdrawn from operation therein; and so much of any other law in force in Basutoland as is repugnant to or inconsistent with the provisions of this Proclamation shall be and is hereby repealed.

2. In this Proclamation unless inconsistent with the context;

"bill of exchange" shall mean an unconditional order in writing addressed by one person to another signed by the person giving it requiring the person to whom it is addressed to pay on demand or at a fixed determinable future time a sum certain in money to or to the order of a specified person or to bearer. A cheque is a bill of exchange drawn on a banker payable on demand;

"duly stamped" and "duly defaced" shall mean respectively stamped to the amount of duty chargeable under and defaced in manner prescribed by this Proclamation;

"duty" shall mean the stamp duty or any fee payable by means of stamps chargeable under this Proclamation in respect of any instrument act matter or thing;

"executed" and "execution" with reference to instruments not under seal shall mean "signed" and "signature" respectively;

"instrument" shall mean every document in writing and "writing" shall in addition to handwriting include printing typewriting and any other process of producing printing or writing;

"instrument liable to duty" shall include in addition to instruments upon which duty is chargeable under this Proclamation all instruments for the performance of attention to or doing of any act matter or thing in respect of which fees are chargeable under this Proclamation;

"policy of life insurance" shall mean a policy upon any life or lives or upon any event or contingency relating to or depending upon any life or lives except a policy of insurance against accident;

"promissory note" shall mean an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand or at a fixed or determinable future time a sum certain in money to or to the order of a specified person or to bearer;

"receipt" shall mean any note memorandum or writing whereby any money or any bill of exchange or promissory note for money is acknowledged or expressed to have been received or deposited or paid or whereby any

debt or demand is acknowledged to have been settled satisfied or discharged or which signifies or imports any such acknowledgment and whether the same is or is not signed with the name of any person.

3. From and after the date of the taking effect of this Proclamation the duty or fees specified in the Schedule to this Proclamation shall be severally chargeable in respect of the instruments acts matters or things specified in such Schedule whether in the case of instruments the same be executed in Basutoland or relate to the transfer of any property therein or in the case of any other act matter or thing the same is performed or attended to or done therein and all such duties and fees shall be collected by means of postage or revenue stamps affixed to the instruments liable to duty; provided always that the duty of one per centum mentioned in the said Schedule on moneys distributed in insolvent estates may be paid to the Master in cash or otherwise as he may direct.

The said Schedule shall be deemed to be part of this Proclamation.

Exemptions from Duty or Fees.

4. (1) No duty or fee aforesaid shall be chargeable in respect of any instrument act matter or thing if the same would be paid by the Government of Basutoland or any Department thereof and the Resident Commissioner shall determine any question that may arise whether an instrument act matter or thing is exempt from duty or fees under this section and his decision thereon shall be final and conclusive.

(2) Where any instrument act matter or thing is by the Schedule to this Proclamation expressed to be exempt from duty or fees and any question shall arise as to whether a particular instrument act matter or thing falls within such exemption the Resident Commissioner shall determine such question and his decision thereon shall be final and conclusive.

Mode of Payment of Stamp Duty and Fees.

5. All duties chargeable under this Proclamation shall be denoted by adhesive stamps affixed to the instrument liable to duty and no adhesive stamp shall be available for denoting duty which does not show on the face of it that it is a Basutoland revenue stamp; provided that it shall be lawful for any person granting a receipt for the payment of money to use for the purpose of the stamp duty thereon required either a postage or revenue stamp.

6. (1) Every instrument wholly or partly written before being stamped shall be stamped so;

(*a*) that the stamp appears on the face of the instrument;

(*b*) that the stamp cannot be used for or applied to any other instrument written on the same piece of material.

(2) If more than one instrument be written upon the same piece of material each such instrument shall be separately and distinctly stamped with the duty with which it is chargeable; and save as is otherwise provided by any law every instrument containing and relating to several distinct matters shall be separately and distinctly charged as if it were a separate instrument with duty in respect of each of such matters.

Persons Liable to Stamp Instruments.

7. The persons liable to stamp the several instruments in this section mentioned shall be the persons respectively designated that is to say:—

(1) Bill of exchange and promissory note: the drawer or maker thereof;

(2) Bond: the person who makes or passes the same;

(3) Lease: the lessor;
(4) Policy of life insurance: the person or company issuing the same;
(5) Receipt: the person giving it.
(6) In the case of any other instrument: the person executing it; or in the case of any such other instrument in respect of which a fee is payable for any act matter or thing to be performed attended to or done in respect of it: the person tendering it for such purpose;

provided always that whenever any bill of exchange or promissory note liable to duty has been executed and delivered without being duly stamped or if any stamp affixed thereto has not been duly defaced such instrument may be duly stamped or any such stamp affixed thereto may be duly defaced by the acceptor of such instrument or by any banker within a period of three days after any such instrument shall have come into the hands of such acceptor or banker and such acceptor or banker shall thereupon be deemed to be the person required by law to stamp such instrument and to deface any stamp thereon; and any such instrument when it shall have been so stamped and the stamp thereon defaced as aforesaid shall be deemed to be an instrument duly stamped; provided further that nothing herein contained shall be deemed to exempt the drawer of such bill of exchange or the maker of such promissory note from the requirements of this Proclamation relative to duly stamping such instruments and duly defacing the stamps upon the same or from any penalty hereby imposed for neglect of any such requirement.

Special Provisions for Stamping Instruments notarially executed.

8. (1) Whenever any instrument notarially executed is chargeable with duty under this Proclamation the stamps denoting such duty shall be affixed thereto at or before the execution of such instruments or the first grosse thereof.

(2) Whenever any instrument which has been executed in duplicate or triplicate is registered in any registration office the duplicate or triplicate original as the case may be shall be tendered with the instrument to the Registration Officer who after filing the duplicate or triplicate original as the case may be shall transmit the original bearing the stamp or any other original not filed in the registration office to the person tendering such instrument for registration.

9. Save where other express provision is made by this Proclamation in relation to any particular instrument;

(*a*) any instrument which has been first executed outside Basutoland and is intended for use therein shall be deemed to be duly stamped if within twenty-one days after it has been first received in Basutoland by one of the parties thereto or by any person entitled to act under it it be stamped and the stamps thereon defaced as required by this Proclamation;

(*b*) any instrument required to be stamped on its execution which has not been so stamped may be tendered with a stamp denoting the duty chargeable to any officer lawfully appointed to receive revenue within twenty-one days after the date of its execution and such officer if satisfied that the date mentioned on such instrument is the true date of its execution shall deface such stamp in manner prescribed by this Proclamation and thereupon such instrument shall be deemed to have been duly stamped at the date of its execution;

(*c*) the Resident Commissioner may cause to be stamped at any time after the same has become liable to duty under this Proclamation any instrument which through inadvertence and without intent to evade payment of the proper

duty has not been duly stamped on payment of the unpaid duty and a penalty of not less than three times the amount of such unpaid duty. Such penalty shall together with the duty originally payable be denoted by means of stamps to be affixed by the officer who stamps the instrument and to be by him duly defaced and thereupon such instrument shall be deemed to be duly stamped; provided always that if the amount of such penalty exceed ten pounds the Resident Commissioner may remit any part of the amount which exceeds such sum.

DEFACEMENT OF ADHESIVE STAMPS.

10. (1) No instrument liable to duty shall be deemed to be duly stamped unless the person required to deface the stamp on such instrument shall deface such stamp by writing upon or across it his name or initials (or in the case of a company or partnership the name or initials of such company or partnership) with the true date of such writing and in such a manner that the stamp cannot be used again for any other instrument or for any postal purpose or for any other act matter or thing.

(2) When two or more stamps are used to denote duty upon an instrument the same shall not be deemed to be duly stamped unless each and every such stamp is defaced in manner aforesaid.

(3) Where stamps are required to be defaced by any Government officer or by any banker the impression of an indiarubber stamp bearing the name of the officer or banker and the true date shall be deemed to be a writing of names or initials for the purposes of this section; provided indelible ink be used and the stamps are defaced in such a manner that they cannot be used again for any other instrument or for any postal purpose or for any other act matter or thing.

11. The persons required to deface stamps on the several instruments in this section mentioned shall save where it is otherwise expressly provided in this Proclamation be the persons herein respectively designated that is to say;

(1) instruments tendered for registration at a registration office or executed by or before a registration officer: such registration officer;

(2) all other instruments: the person liable under this Proclamation to stamp such instrument;

provided always that any signatory to an instrument who is also a party thereto may deface at the time of execution thereof any stamp affixed thereto for purposes of duty if left undefaced by the person liable to stamp such instrument and the stamp on such instrument shall thereupon be deemed to be duly defaced; provided further that nothing herein contained shall exonerate any person liable to deface such stamp from any penalty consequent on his omission so to do.

12. Any officer of the Government charged with a duty under this Proclamation of defacing stamps may whenever he deems it necessary require evidence on oath or other satisfactory proof of the date when the instrument presented to him for defacing the stamps thereon was executed or where any such instrument was executed outside Basutoland of the date when it was first received therein.

SPOILED STAMPS.

13. Subject to such regulations as may be from time to time made by the Resident Commissioner and subject further to the production of such evidence as may by any such regulations be required the Resident Commissioner may in his discretion make an allowance in the following cases to any person tendering stamps that have been spoiled or otherwise rendered unserviceable that is to say:—

(*a*) Where a stamp has been inadvertently or undesignedly spoiled obliterated or rendered unserviceable either before it has been affixed

to an instrument or before any material or instrument on which the stamp has been affixed has been executed by any party.

(*b*) Where a stamp has been affixed to instrument which for any reason is not executed by any person or used for the purpose intended.

(*c*) Where a bill of exchange or promissory note signed by or on behalf of the drawer or maker has not been made use of in any manner whatever or delivered out of his hands or tendered for acceptance of endorsement.

(*d*) Where an instrument executed by any party thereto has been afterwards found either to be void *ab initio* or to be unfit by any error therein for the purpose originally intended.

(*e*) Where an instrument executed by any party thereto has not been made use of and is insufficient for the purpose for which it was intended or becomes void either by reason of the inability or refusal of some necessary party to execute the same or to complete the transaction according to the instrument.

(*f*) Where an instrument executed by any party thereto has been inadvertently and undesignedly spoiled obliterated or rendered unserviceable and in lieu thereof another instrument duly stamped giving effect to the same transaction has been executed.

Provided always;

(1) that the application for relief be made within six months after the stamp has been spoiled obliterated or rendered unserviceable or within such further period as may be prescribed by regulations made from time to time by the Resident Commissioner;

(2) that the stamp in respect of which allowance is claimed and any instrument on which it is or may have been affixed be handed over to the Resident Commissioner to be destroyed;

(3) that the allowance shall be by giving to the claimant therefor either other stamps or money to the same value as the Resident Commissioner shall determine.

Over-stamped Instruments.

14. Where any person inadvertently and undesignedly has affixed to an instrument liable to duty a stamp of greater value than was necessary or has affixed a stamp to an instrument not liable to duty the Resident Commissioner may upon application make an allowance in respect of such excess or unnecessary stamps in the same manner and subject to the same provisions as are in the last preceding section set forth on such instrument being produced to him and such allowance being denoted thereon.

Invalidity of Instruments Unstamped or Defectively Stamped.

15. No instrument liable to duty and not duly stamped as herein provided shall be produced or given in evidence or used in any court of law or be available for any purpose whatever save and except that such instrument may be produced or given in evidence or used;

(*a*) in criminal proceedings;

(*b*) in any proceedings on behalf of the Government of Basutoland if the instrument is produced or given in evidence or used by or on behalf of such Government or any officer thereof acting as such;

(*c*) in other proceedings in a court of law upon payment by the party producing or tendering such instrument in evidence or using the same of such sum by way of penalty as the court may direct not being less than three times the stamp duty chargeable thereon and subject to there being affixed to the instrument stamps to the amount of duty chargeable which

shall be defaced in manner provided by this Proclamation by the court or any officer thereof and thereupon such instrument shall be deemed to be duly stamped;

provided always that if the court is of opinion that the failure to duly stamp an instrument was due to inadvertence or lack of knowledge and that there was no intent to evade payment of duty or that the minimum penalty which the Court has power to inflict is excessive it may cause such instrument together with a certificate stating such opinion to be transmitted to the Resident Commissioner who if the amount of the penalty exceeds ten pounds may remit any part of the amount which exceeds that sum.

16. Save in the circumstances described in sub-section (*c*) of section *fifteen* it shall be the duty of every officer of the Government and of every person authorized by law to receive or take evidence if there shall come into his hands any instrument liable to duty and not stamped as required by this Proclamation or on which any stamp affixed thereto is not duly defaced to impound such instrument and forthwith cause the same to be transmitted to the Resident Commissioner in order that any duty or penalty payable in respect of the same may be recovered.

Penal Provisions Relating to Duty.

17. Every fact or circumstance which makes or is calculated to make any instrument an instrument liable to duty or which affects the amount of duty with which an instrument liable to duty is chargeable shall be fully and truly disclosed upon such instrument: and every person who with intent to defraud the revenue;

(*a*) executes any instrument in which all the facts and circumstances affecting its liability to duty are not truly set forth; or

(*b*) being employed or concerned in or about the preparation of an instrument liable to duty neglects or omits fully to set forth therein all such facts and circumstances;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

18. Any person liable under this Proclamation to stamp an instrument who executes or delivers or tenders it not duly stamped for the purpose of any act matter or thing to be performed attended to or done in respect of it shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

19. Any person who is required by this Proclamation to deface a stamp who neglects or refuses effectually so to do in manner prescribed by this Proclamation such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds.

20. Any person being a party to or entitled to act under or in respect of an instrument liable to duty and not duly stamped who having accepted such instrument affixes or causes to be affixed thereto any stamp with intent to make it appear that such instrument was duly stamped shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

21. Any person who shall;

(*a*) insert or cause to be inserted upon any instrument or stamp affixed thereto a false date; or

(*b*) alter any date in or upon an instrument or stamp affixed thereto;

with intent that such instrument shall appear to have been duly stamped or stamped within the time required by this Proclamation shall be liable on conviction to the penalties prescribed by law for fraud.

22. (1) Any person who issues endorses transfers negotiates presents for payment or pays any bill of exchange or promissory note liable to duty and not being duly stamped shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(2) Any person who makes or executes or votes or attempts to vote under or by means of a proxy to vote at a meeting of shareholders or members of a joint stock company association or society if such proxy shall not be duly stamped shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

(3) Any person who

(*a*) receives or takes credit for any premium or consideration for any life insurance and does not within one month thereafter make out and execute or cause to be made out and executed a duly stamped policy of insurance; or

(*b*) pays or allows in account or agrees to pay or allow in account any money upon or in respect of a policy of life insurance which is not duly stamped;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty pounds.

(4) Any person who

(*a*) gives a receipt liable to duty and not duly stamped; or

(*b*) refuses to give a receipt duly stamped whenever a receipt would be liable to duty; or

(*c*) upon payment to the amount of one pound or upwards gives a receipt for a sum not amounting to one pound or separates or divides the amount paid with intent to evade payment of duty;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten pounds.

23. Whenever any fine upon conviction of an offence shall have been imposed under sections *seventeen* to *twenty-two* inclusive of this Proclamation and the person sentenced to pay such fine shall not forthwith pay the same the Court may order that such person be imprisoned with or without hard labour for a period

(*a*) not exceeding fourteen days if the fine imposed does not exceed ten pounds;

(*b*) not exceeding one month if the fine imposed does not exceed twenty pounds;

(*c*) not exceeding two months if the fine imposed does not exceed fifty pounds;

(*d*) not exceeding three months if the fine imposed exceeds fifty pounds;

unless the fine be sooner paid.

Offences relating to Dies and Stamps.

24. Any person who

(1) forges any stamp;

(2) cuts tears or in any way removes from any instrument any stamp with intent that fraudulent use should be made of such stamp or of a part thereof;

(3) mutilates any stamp with intent that fraudulent use should be made of any part thereof;

(4) fraudulently fixes or places upon any instrument any stamp or part thereof which whether fraudulently or not has been cut torn or in any way removed from any other instrument;

(5) fraudulently erases or otherwise removes or causes to be erased or removed from any stamp or instrument any name sum date or other matter or thing written thereon with intent that any further use should be made of such stamp;

(6) knowingly sells or exposes for sale or utters or uses any forged stamp or stamp fraudulently removed from an instrument or utters an instrument from which a stamp has to his knowledge been fraudulently removed;

(7) knowingly and without lawful excuse (the proof of which shall lie on the accused person) has in his possession any forged stamp or any stamp which has been fraudently printed or impressed from a genuine die plate tool or implement or part of a stamp which has been fraudently cut torn or otherwise removed from any instrument or any stamp which has been fraudulently mutilated or any stamp from which any name sum date or other matter or thing has been fraudulently erased or otherwise removed;

shall be guilty of an offence and shall be liable on conviction to imprisonment with hard labour for a period not exceeding seven years.

25. Any person who without lawful authority or excuse (the proof of which shall lie upon the accused) purchases or receives or knowingly has in his possession or custody

(*a*) any paper manufactured or provided for the purpose of making or impressing stamps by or for the proper authorities before the same shall have been duly stamped and issued for public uses; or

(*b*) any plate die dandyroller mould or other instrument;

shall be guilty of an offence and shall be liable on conviction to imprisonment with hard labour for a period not exceeding two years.

MISCELLANEOUS.

26. The High Commissioner may from time to time appoint or designate such persons as he may think fit to make take charge of supply sell and distribute stamps required for purposes of denoting duty; and may from time to time make alter and repeal regulations for the due discharge of such duties by such persons

27. Any duty or penalty imposed under this Proclamation (other than a fine for the default of payment of which imprisonment may be imposed) shall be a debt due to the Basutoland Government and may be recovered by action in any competent Court.

28. Whereas doubts have arisen whether the Act No. 20 of 1884 of the Cape Colony was prior to the taking effect of this Proclamation in operation in Basutoland; and whereas stamp duty and fees have been collected in Basutoland on the assumption that such Act was then in operation in Basutoland; now therefore under and by virtue of the powers in me vested I do hereby further proclaim and make known that all stamp duties and fees collected or taken by the Resident Commissioner and other officers of the Basutoland Government prior to the taking effect of this Proclamation acting or purporting to act on the assumption that such statute of Cape Colony was in operation in Basutoland shall be deemed to have been lawfully collected or taken.

29. This Proclamation shall have force and effect from and after the first day of July 1907.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of June One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

Schedule.

ARBITRATIONS AND AWARDS.

Upon every deed of submission to arbitration	£0	5	0
Upon every award on which a sum of money is to be paid by one person to another:—			
Where the sum awarded is under £100	0	2	0
For every additional sum of £100 or fraction thereof	0	1	0
Upon every award made in regard to anything other than the payment of money	0	5	0

Exemption.—Where the sum or matter in dispute is under £10 in value both the deed of submission and the award shall be exempt from duty.

BILLS OF EXCHANGE.

Upon every bill of exchange promissory note bank post bill or other negotiable instrument:—			
For any amount not exceeding £50 .	£0	0	6
Exceeding £50 and not exceeding £100	0	1	0
For every additional £100 or fraction thereof	0	1	0
Upon every bill of exchange drawn in Basutoland but payable outside Basutoland if drawn in sets of three or more on each bill of the set one-third of the above rates.			
Upon every cheque upon a bank . . .	0	0	1

Exemption.—Bank notes shall be exempt from stamp duty.

Bonds.

Upon cessions of mortgage bonds notarial or otherwise one-fourth of the stamp of the original bonds.

Upon mortgage bonds passed before the Registrar of Deeds or officer acting as such and general mortgages commonly called "notarial bonds":—

If the amount secured do not exceed £10	£0	2	0
If the amount secured exceed £10 but does not exceed £20 . . .	0	3	0
If the amount secured exceed £20 but does not exceed £30 . . .	0	5	0
If the amount secured exceed £30 but does not exceed £50 . . .	0	7	6
If the amount secured exceed £50 but does not exceed £100 . . .	0	10	0
If the amount secured exceed £100 but does not exceed £150 . . .	0	15	0
If the amount secured exceed £150 but does not exceed £200 . . .	1	0	0
If the amount secured exceed £200 but does not exceed £300 . . .	1	5	0
If the amount secured exceed £300 but does not exceed £400 . . .	1	10	0
If the amount secured exceed £400 but does not exceed £500 . . .	2	0	0
If the amount secured exceed £500 but does not exceed £600 . . .	2	10	0
If the amount secured exceed £600 but does not exceed £700 . . .	3	0	0
If the amount secured exceed £700 but does not exceed £800 . . .	3	10	0
If the amount secured exceed £800 but does not exceed £900 . . .	4	0	0
If the amount secured exceed £900 but does not exceed £1000 . . .	5	0	0
For every additional £100 or fraction thereof	0	6	0

Upon deeds of kinderbewys for securing the portions of minors half of the amount of stamps required on mortgage bonds passed before the Registrar of Deeds or officer acting as such.

Courts of Law.

(A.) *Assistant Commissioner's Courts.*

Upon every liquid document upon which judgment is prayed:—

For an amount not exceeding £10 .	£0	0	6
For an amount exceeding £10 and not exceeding £20	0	1	0
And for each additional £10, or fraction thereof	0	0	6
Upon every document a copy of which must by the tenth rule of the Resident Magistrate's Courts Act of the Cape Colony be served on the opposite party	0	0	6
Upon every authority to sue or defend.	0	0	6
Upon every summons:			
For an amount not exceeding £10 .	0	0	6
For an amount exceeding £10 and not exceeding £20 . . .	0	1	0
And for each additional £10 or fraction or part thereof . .	0	0	6
Upon every warrant of execution:			
Not exceeding £50. . . .	0	0	6
Exceeding that amount . . .	0	1	0

(B) *Resident Commissioner's Court.*

Civil Cases.

Upon every summons for a defendant or witness	£0	12	0
Upon every warrant of attorney to sue or defend	0	6	0
Upon every declaration or special case .	1	0	0
Upon every plea answer or subsequent pleading	0	10	0
Upon every notice entering or setting down any illiquid default or provisional case	0	5	0
Upon every notice setting down for trial argument or judgment any contested case	0	10	0

Upon every certified copy of any document not exceeding four folios of 100 words each	£0	5	0
Every additional folio of 100 words	0	1	0
Upon every writ or process of execution	0	10	0
Upon every writ of arrest or for the attachment of the person or of property to found jurisdiction	1	0	0
Upon every petition to appeal to His Majesty in Council	2	0	0
Upon every recognisance in such appeal cases for each person	0	10	0
Upon every other recognisance or bond of security for restitution	0	10	0
Upon commissions for examination of witnesses or any other documents when the seal of the Court is affixed thereto	0	15	0
Upon every liquid document upon which provisional sentence is prayed not being a document for which a stamp is by law provided	0	5	0
Upon every order of rehabilitation or release from sequestration of an insolvent	1	0	0
Upon every other rule or order of the Court	0	10	0
Upon every application to search for any entry record or document:—			
Through one year	0	2	0
For every additional year	0	1	0
Upon every petition memorial notice of motion or other application to the Court filed	0	5	0
Upon every certificate of completion of security on application for rehabilitation	0	5	0
Upon every balance-sheet on application for rehabilitation	0	5	0
Upon taxation of costs for each pound or fraction of a pound taxed	0	1	0

DONATIONS—ACTS OR DEEDS OF.

Where the subject of the donation is money, and the amount exceeds £25 but does not exceed £100	£0	5	0
For every additional £100 or fraction thereof	0	5	0
Where the subject of the donation is not money	0	5	0

Exemptions:—

1. Where the donation is of money and the amount under twenty-five pounds the deed or act shall be exempt from duty.
2. Deeds of donations for religious or charitable purposes shall be exempt from duty.

LEASES.

Upon every lease or agreement for lease of movable or immovable property where the term of hiring shall not be less than six months:—

For every £100 given by way of fine or foregift and in like proportion for any greater or less sum.	£1	0	0
If the rent be £10 and do not exceed £20	0	2	0
If the rent exceed £20 and do not exceed £30	0	3	0
If the rent exceed £30 and do not exceed £40	0	4	0
If the rent exceed £40 and do not exceed £50	0	5	0
If the rent exceed £50 and do not exceed £100	0	10	0
And for every additional £100 rent or fraction thereof	0	10	0

Upon every lease for any period exceeding one year the amount of the stamp prescribed shall be multiplied by the number of the years of the duration of the lease and for this purpose every broken portion of a year shall be deemed to be an entire year.

(A.) *Insolvency.*

Upon every order of sequestration filed	£0	10	0
Upon every other order of court filed	0	3	0
Upon every advertisement of meeting of creditors	0	5	0
For every attendance at a meeting of creditors	0	12	0
Upon every report of the filing of an account or of election of a trustee	0	10	0
Upon every certificate of appointment of a trustee or of the confirmation of an account	0	5	0
For each attendance in matters referred by the Court	1	5	0
For every report in the same not exceeding five folios of one hundred words each	0	10	0
Each additional folio	0	1	0
Upon every application to search or inspect any account or document	0	1	0
Upon certified copies of documents when not exceeding four folios of one hundred words each	0	5	0
Each additional folio	0	1	0

Upon office copies not certified one half of the preceding charges.

On all moneys received paid or distributed by the Master in pursuance of any order of court: one per cent.

Upon Liquidation Accounts.

When the nett assets for distribution under insolvent estates do not exceed £100	£0	1	6
When the nett assets exceed £100 but do not exceed £150	0	2	6
When the nett assets exceed £150 but do not exceed £200	0	5	0
When the nett assets exceed £200 but do not exceed £300	0	7	6
When the nett assets exceed £300 but do not exceed £400	0	10	0
When the nett assets exceed £400 but do not exceed £500	0	12	6
When the nett assets exceed £500 but do not exceed £600	0	15	0
When the nett assets exceed £600 but do not exceed £800	1	0	0
When the nett assets exceed £800 but do not exceed £1,000	1	10	0
When the nett assets exceed £1,000 but do not exceed £1,250	2	0	0
When the nett assets exceed £1,250 but do not exceed £1,500	2	10	0
When the nett assets exceed £1,500 but do not exceed £2,000	3	15	0
When the nett assets exceed £2,000 but do not exceed £2,500	4	10	0
When the nett assets exceed £2,500 but do not exceed £3,000	6	0	0
When the nett assets exceed £3,000 but do not exceed £3,500	7	10	0
When the nett assets exceed £3,500 but do not exceed £4,000	9	0	0
When the nett assets exceed £4,000 but do not exceed £4,500	10	10	0
When the nett assets exceed £4,500 but do not exceed £5,000	12	0	0
When the nett assets exceed £5,000 but do not exceed £5,500	13	10	0
When the nett assets exceed £5,500 but do not exceed £6,000	15	0	0
When the nett assets exceed £6,000 but do not exceed £7,000	16	10	0
When the nett assets exceed £7,000 but do not exceed £8,000	18	0	0
When the nett assets exceed £8,000 but do not exceed £10,000	20	0	0
And for every additional £100 or fraction thereof	0	5	0
Upon every deed assigning property in trust	1	0	0

1. Under and by virtue of assignments in trust for creditors the nett assets shall be liable to a duty amounting to one-half the duty chargeable upon assets under insolvent estates.

2. The assignee shall at all times after any such assignment be bound to produce upon demand to the Government Secretary or to any person appointed by him in writing all accounts and papers belonging to the estate assigned and necessary or calculated to show the amount of the fund for distribution.

3. If the assignee decline or refuse to produce such accounts and papers the Government Secretary may apply to the Resident Commissioner's Court for an order upon such assignee to produce the same and such Court may grant any such application with costs against the respondent.

4. The receipt to be given for the duty payable upon or in respect of the fund for distribution shall be stamped with a stamp of the value of the duty paid.

(B.) *Orphan Chamber.*

For filing and registering any will codicil or testamentary writing. . .	£0 10 0
On every application to search the index of names of deceased persons: for every name searched for . .	0 1 0
On every application to search the index of names of executors tutors curators or sureties: for each name searched for	0 3 0
For every inspection of any will (including codicils if any) . . .	0 2 0
Upon liquidation accounts—	
One account or the first of a series .	0 2 0
Each subsequent account . .	0 1 0
Of any other document . .	0 1 0
For office copies of wills or other documents—	
Not exceeding one folio of 100 words	0 3 0
Every additional folio of 100 words	0 1 0
Upon letters of Administration as executor testamentary assumed or dative or certificates of appointments as curator bonis each—	
Where the value of the estate does not exceed £40 . . .	0 10 0
Where value exceeds £40 . .	1 0 0
Upon letters of confirmation of the appointment of tutors testamentary or assumed or dative or of curators nominate assumed or dative: each	0 10 0
On every edict including cost of publication in the *Government Gazette* .	1 0 0
For attending any meeting of next of kin legatees or creditors of deceased persons minors or absentees whether by Master or Assistant Commissioner	0 10 0
For approving security given by executors tutors or curators . . .	0 5 0
For filing deeds of assumption: each .	0 10 0
For filing every act repudiating an inheritance	0 5 0
Upon every inventory of an estate or any part thereof—	
Without a valuation:	
First sheet not exceeding one folio of one hundred words	0 3 0
Every additional folio of one hundred words . . .	0 2 0
With a valuation:—	
If such valuation do not exceed £40	0 1 0
If such valuation do not exceed £100.	0 3 0
And for every additional £100 or part thereof . . .	0 1 0
For registering accounts of executors tutors or curators: each. . .	0 3 0
For every report in the discretion of the Master subject to a taxation before the Court or a Judge thereof or not less than	0 10 0
For filing and registering any order of court	0 10 0
Upon every certificate in respect of which no other fee is payable . . .	0 3 0
For taxing the remuneration of executors tutors curators or appraisers on every pound or fraction of a pound of the taxed amount . .	0 1 0

Office Fees.

For the registration of a bond or obligation in the name of each debtor and each surety. For each debtor and surety respectively	£0	6	0
For the registration of every ante-nuptial contract and every contract of servitude	1	0	0
Upon each application to search the index of the register of transfers and hypothecations	0	1	0
For an inspection of the entries under each name in the debt register or of every bond deed of transfer or hypothecation ante-nuptial contract or contract of servitude	0	2	0
Upon office copies of deeds or other documents not exceeding four folios of one hundred words, each	0	5	0
Every additional folio of one hundred words	0	0	6
For every registration cancellation entry certificate or other act to be made or done in the Deeds Registry Office not being any of the matters or things aforesaid	0	3	0
For every deduction from a diagram	0	10	0

Exemption—On searches or inspections connected with any deed or document about to be passed or registered.

Transfers.

Upon all transfers passed before the Registrar of Deeds or officer acting as such:—

If the value do not exceed £10	£0	2	0
If the same exceed £10 and do not exceed £20	0	3	0
If the same exceed £20 and do not exceed £35	0	4	0
If the same exceed £35 and do not exceed £50	0	6	0
If the same exceed £50 and do not exceed £100	0	8	0
If the same exceed £100 and do not exceed £150	0	12	0
If the same exceed £150 and do not exceed £200	0	15	0
If the same exceed £200 and do not exceed £300	1	0	0
If the same exceed £300 and do not exceed £400	1	5	0
If the same exceed £400 and do not exceed £500	1	10	0
If the same exceed £500 and do not exceed £700	2	0	0
If the same exceed £700 and do not exceed £1000	3	0	0
For every additional £100 or fraction thereof	0	5	0

Miscellaneous.

Upon every marriage license	£5	0	0
Upon every affidavit in any civil case motion or proceeding in insolvency	0	3	0
Upon every ante-nuptial contract	1	0	0
Upon articles of partnership	2	0	0
Upon every act of suretyship	0	2	0
Upon every protest of a bill or note exceeding £10 but not exceeding £40	0	2	6
Upon every protest of a bill or note exceeding £40	0	5	0
Upon every certificate of the presentation of a bill note or cheque not exceeding £40	0	1	0

Upon every certificate of the presentation of a bill note or cheque exceeding £40	£0	2	6
Upon every attestation of any instrument not otherwise stamped and on any notarial attestation of the truth of any copy of any instrument each .	0	1	0
Upon every special power of attorney to do any particular act . . .	0	1	0
Upon every act not required to be otherwise stamped and every grosse	0	1	0
Upon every certificate of authentication by an officer of the Basutoland Administration authorised to authenticate documents	0	15	0
Upon every proxy to vote at any meeting of shareholders or members of any joint stock company association or society	0	0	1
Upon every general power of attorney which includes among the acts to be performed sales or transfers of property or the passing of deeds of hypothecation or mortgage . .	1	0	0
Upon every general substitution to exercise all the powers conferred by a power of attorney as aforesaid .	0	10	0
Upon every general power of attorney which does not include sales or transfers of property or the passing of deeds of hypothecation or mortgage but includes the continuous performance of more than one act or transaction or of various matters of business	0	10	0
Upon every general substitution to exercise all the powers conferred by such last mentioned general power of attorney	0	5	0
Upon every power of substitution under any general power of attorney—			
(*a*) if for the performance of a single transaction . .	0	1	0
(*b*) if for the performance or the continuous performance of more than one transaction	0	5	0
Upon every special power of attorney not otherwise provided for . .	0	1	0
Upon every substitution under such last mentioned power of attorney . .	0	0	6
Upon every receipt for the payment of money (other than a receipt for or in respect of money deposited in any bank) when the sum exceeds £1	0	0	1
Upon every letter of allotment or letter of renunciation or every letter having the effect of a letter of allotment of any share in any company or proposed company	0	0	3
Upon every fixed deposit receipt of any bank or joint stock company. For each £100 or fraction of £100 and for each year or fraction of a year	0	1	0
Upon every renewal or continuation of any fixed deposit receipt of any bank or joint stock company. For each £100 or fraction of £100 and for each year or fraction of a year	0	1	0
Upon every fixed deposit receipt of any bank or joint stock company terminable at the expiration of a notice to be given from either side. For each £100 or fraction of £100 and for each year or fraction of a year during its continuance	0	1	0

SANCTIONED

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No. 7 of 1907.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the taxation and recovery of any costs which may have been awarded to a successful party in any legal proceedings in which final judgments or orders were made by the Chief Court established for Swaziland under Section four of the Organic Proclamation 1890;

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

1. Whenever in any proceedings instituted in the Chief Court established for Swaziland under Section four of the Organic Proclamation 1890 a final judgment or order has been given or made by such Court and the party in whose favour any such judgment or order was given or made was awarded by such Court the costs of such proceedings such costs may be taxed by the Taxing Officer of the Court of Resident Commissioner established by the Swaziland Administration Proclamation 1907 according to the scale of costs allowed in such Court of Resident Commissioner and such costs taxed as aforesaid may be recovered in the same manner and subject to the same conditions as

- if the -

if the same were costs awarded to a successful party under a final judgment or order of such Court of Resident Commissioner.

2. This Proclamation shall have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my hand and seal at Pretoria this 26th. day of June one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

18/07.

No. 18 of 1907.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to regulate the employment of natives in the Territory within the limits of the Barotziland - North Western Rhodesia Order-in-Council 1899 (hereinafter referred to as 'the Territory') and to control the removal of Natives for employment beyond such limits:

NOW THEREFORE, under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:-

1. In this Proclamation, if not inconsistent with the context,

"Administrator" means the Administrator of the Territory and includes an Acting Administrator.

"Agent" means a Labour Agent holding a licence as such under this Proclamation.

"Native" means any person not of European or American descent who is a native of Africa.

"Gazette" means the official Gazette of the High Commissioner for South Africa.

"Secretary for Native Affairs" means the person for the time being acting in the capacity of Secretary to the Administrator for Native Affairs.

2. No person shall act as the agent of another for

- engaging -

engaging the services of natives either

(a) to work in the Territory, or

(b) for employment beyond the limits of the Territory,

unless he shall have obtained from the Secretary for Native Affairs a licence under this Proclamation to act as an Agent; and every such licence shall specify the country, place or places for employment in which natives may be engaged thereunder.

3. The Secretary for Native Affairs may refuse to grant or to renew any such licence as aforesaid to an Agent for any reason by him deemed sufficient.

4. If an application for a licence or any renewal of a licence shall be refused, the Secretary for Native Affairs shall report the fact of, and the grounds for refusal to the Administrator, who may upon application of any person feeling himself aggrieved, determine thereon, and his decision thereon shall be final.

5. (a) Every such licence as aforesaid shall be taken out annually, and shall expire on the 31st December of each year, and shall not be transferable.

(b) Every such licence shall as nearly as is material be in the form contained in the Schedule to this Proclamation, with such additions or variations as the Administrator may from time to time require or direct.

6. It shall be lawful for the Secretary for Native Affairs to allot to the applicant for such licence a

- specified -

specified district or districts within which to engage labour, and to endorse the licence accordingly. Any Agent who shall pursue his calling at any place beyond such district or districts shall be deemed to be unlicenced and shall be liable to the penalties hereinafter in Section 23 provided.

7. For a licence to exercise the calling of a Labour Agent under this Proclamation the following sums shall be payable annually:

(a) To engage labour for work within the Territory the sum of two shillings and six pence.

(b) To engage labour for work beyond the limits of the Territory and within the limits of Southern Rhodesia, the sum of £1.

(c) To engage labour for work beyond the limits of the Territory and elsewhere than within the limits of Southern Rhodesia, the sum of £50.

Such licences shall be paid for by means of stamps affixed thereto, which shall be cancelled by the Secretary for Native Affairs.

8. Every person applying for a licence such as is prescribed in the foregoing section shall with his application -

(a) for a licence to engage labour for work within the Territory deposit the sum of £100, and

(b) for a licence to engage labour for work beyond the limits of the Territory deposit the sum of £250

- or -

or provide sureties to a bond for such amount to the satisfaction of the Secretary for Native Affairs.

In case a deposit of money be made, any fines inflicted upon an Agent or any damages awarded to a native against an Agent by any Court may be paid out of the amount so deposited.

9. Every such bond of security shall endure and be effective during the currency of the licence and for a period of six months after its expiration or after the revocation thereof, under the provisions of this Proclamation.

10. Every deposit of money by way of security shall

(a) be retained for a period of six months after the expiry or revocation of the licence in respect of which it was made; provided that when a licence is renewed for a further period the original deposit shall be retained as security for and be deemed to have been made in respect of such renewed licence, and no further security shall be required;

(b) if reduced by the application of any part thereof to the payment of any fines or damages as aforesaid, be restored to the prescribed sum of £100 or £250, as the case may be, within seven days after demand made;

(c) after the expiration of the said period of six months be refunded to the extent of the sum then held unless a renewed licence has been issued and the original deposit has been set aside as a deposit made in respect of such renewed licence, as provided in sub-section (a) of this section.

11. A licence to an Agent may at any time be revoked by the Secretary for Native Affairs with the approval of the Administrator,

(a) for any misconduct indicating that the Agent is not a fit and proper person to hold such licence;

(b) if the holder thereof shall be guilty of any contravention of the provisions of this Proclamation;

(c) if the holder be convicted of any crime or offence and be sentenced to undergo imprisonment without the option of a fine, or be imprisoned upon non-payment of a fine imposed;

(d) if the Agent, in case the amount of his deposit be reduced by the application of any part thereof to the payment of fines or damages as aforesaid, shall not after due demand restore the deposit to the amount prescribed by this Proclamation.

12. No contract of service made by an Agent with any native shall be binding or obligatory upon such native unless such contract shall be registered at the office either of the District Commissioner of the district, or of the Official in charge of the sub-district, in which the same is entered into.

The District Commissioner or Official in charge shall satisfy himself prior to such registration that the terms of employment have been fully understood by such native, and if so satisfied shall enter in a book the particulars of the contract specifying :-

i. the name of the Agent or employer;

ii. the name of the native servant;

iii. the sub-district of the native servant;

iv. the induna of the native servant;

v. the kraal of the native servant;

vi. the date of registration;

vii. the date of commencement of the service, and the nature thereof, e.g. whether agricultural, or (if engaged for mining work) whether surface or underground work, and the period of such service;

viii. the rate of wages, and when payable;

ix. the place or locality where the service is to be performed;

and the Agent shall sign such entry.

13. The Administrator may add to or vary the particulars of the contract to be entered in the book as required by the last preceding section, andin the certificate of service to be issued after registration as is hereinafter provided.

14. Before any contract of service shall be registered as hereinbefore in this Proclamation is provided the Agent shall deposit with the District Commissioner or other Official appointed to register the same a sum of money sufficient to cover the amount of such registration Fees as may be prescribed by the Administrator, and a receipt shall, if demanded, be granted for every such deposit.

15. The Administrator shall have power to prescribe such fees upon registration as he may deem fit, and shall notify the same in the Gazette.

16. Upon registration of the particulars of a contract of service as aforesaid the District Commissioner or other Official shall in the case of a native engaged to work beyond the limits of the Territory and the Territory of Southern Rhodesia deliver to the native employed a certificate in the form as nearly as is material in the Schedule hereto, or with such additions or variations as the Administrator may require or direct. Such certificate shall be stamped to the value of 5/- for every month or part of a month during which the contract is to endure. Every such certificate shall be deemed to be evidence of the contract and of the terms thereof unless or until the contrary be proved.

The stamps required upon the certificate shall be paid for by the Agent by whom the native to whom the certificate is delivered is engaged and payment for such stamps shall be accepted from such Agent in lieu of any registration fee that may be prescribed in respect of the registration of the contract in pursuance of Section 12 hereof.

17. Any Agent who shall induce a native to leave the Territory for employment beyond its borders except under a contract of service registered in accordance with the provisions of this Proclamation, or shall be accessory to any native so leaving, shall be liable to forfeit and to have deducted from his deposit money, or to pay the sum of £5. for each native.

If no deposit shall have been made by the Agent in default or if the deposit made by such Agent is exhausted

no other or further contract shall, after notice of the fact of a contravention of this section by an Agent shall have come to the knowledge of ~~the~~ a District Commissioner or Official in charge of a sub-district, be registered at the instance of such Agent until the amount of the said penalty shall have been paid. For a second or subsequent offence, in addition to the penalty above mentioned, the licence of the Agent shall be liable to be revoked by the Secretary for Native Affairs.

18. Any person knowingly contravening any of the regulations framed under this Proclamation shall be liable to a fine not exceeding £100, and in default of payment thereof to imprisonment for any term not exceeding six months with or without hard labour, or to both such imprisonment and fine. One half of the fine imposed may be awarded by the Court before which any such case is tried to the informer through whose information such person or persons shall have been convicted.

19. It shall be lawful for any Magistrate, District Commissioner or Official in charge of a sub-district, Police Constable or any other person authorised thereto in writing by any Magistrate at any time to demand the production by any person exercising the calling of a Labour Agent of his licence, and any such person refusing or failing to produce the same shall be liable on conviction to a penalty not exceeding £5, or in default of payment to imprisonment with or without hard labour for any period not exceeding one month.

20. Whosoever shall (whether licenced as a Labour Agent or not) directly or indirectly either by himself or by any agent by the offer of higher wages or by any other means cause, induce or persuade, or aid or assist in causing, inducing or persuading any native to leave his service, or to violate any agreement of service, whether in writing or not, shall on conviction thereof before any Magistrate be liable to a penalty not exceeding £10, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months, and if holding a licence shall be liable to forfeiture of such licence.

21. Whosoever shall (whether a Licenced Agent or not) knowingly conceal, or employ, or retain, or counsel or aid or abet in concealing, employing or retaining any native who shall have deserted from the service of any master or otherwise absconded or absented himself from such service, shall on conviction be liable to a fine not exceeding £10, and in default of payment to be imprisoned with or without hard labour for a period not exceeding three months, and if licenced under this Proclamation to forfeiture of such licence.

22. Any native who, having entered into the contract of service mentioned in section 12 of this Proclamation, shall without lawful cause depart from the custody of the Agent with whom he has entered into such contract with intent to evade such contract, may be arrested without warrant by such Agent or by any officer of the law and

- carried -

carried with all convenient speed before the nearest Magistrate and shall be liable on conviction to a fine not exceeding £5, and in default of payment to be imprisoned with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment.

23. Any person who follows the occupation of or acts as a Labour Agent without taking out such licence as is by this Proclamation required or without conforming to its requirements as to providing security or who engages or seeks to engage natives for employment in any country or place which is not specified in his licence as a country or place for employment in which he is entitled to engage natives thereunder, shall be deemed to have contravened this Proclamation and shall upon conviction be liable to a penalty not exceeding £5 where such person has so contravened this Proclamation by engaging or seeking to engage labour for work within the Territory, and to a penalty not exceeding £50 where such person has so contravened this Proclamation by engaging or seeking to engage labour for work beyond the limits of the Territory, and in default of payment of the fine to imprisonment with or without hard labour for a period not exceeding six months.

24. All offences against this Proclamation and any Regulations framed thereunder shall be cognisable before the Magistrate within whose jurisdiction such offences shall have been committed, and the Magistrate may impose the penalties respectively by this Proclamation provided.

25. It shall be lawful for the Administration by Notice

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published in the Gazette to specify and define any districts, sub-districts, or portions thereof and to prohibit the collection or recruiting of native labour therein both for employment within the Territory and for employment beyond the limits of the Territory or for either of the said purposes, as he may think fit. Any Agent who shall after the promulgation of such Notice collect or attempt to collect labour in contravention of the terms thereof within such prescribed areas shall be deemed to be unlicenced and shall be liable to the penalties hereinbefore in Section 23 provided.

26. The Administrator may from time to time make alter and revoke regulations not being contrary to the provisions of this Proclamation for regulating the duties of Agents and of all persons employed in carrying out its requirements and generally for the more efficient administration of this Proclamation.

27. This Proclamation shall have force and take effect from the first day of September 1907 and may be cited as "The Native Labour Proclamation 1907". S

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this 16th day of July one thousand nine hundred and seven.

High Commissioner.

By Command of His Excellency the High Commissioner.

Imperial Secretary.

SCHEDULE.

CERTIFICATE OF SERVICE.

(Under Section 16, "Native Labour Proclamation, 1907", North Western Rhodesia).

This is to certify that by agreement made in my presence the bearer, ... a native of ..... District, has voluntarily agreed to enter the service of ..... for the period of ..... reckoned from the ..... day of ..... as ..... (state capacity or nature of service), at wages calculated at the rate of ..... per .... payable at the end of every .....

Dated at ..... this ..... day of .....

(Signed) .....

District Commissioner (or Clerk in Charge) as the case may be.

NOTE. Any special conditions agreed upon should be endorsed upon the back hereof.

LABOUR AGENT'S LICENCE

(Issued under the Native Labour Proclamation, 1907)

LICENCE is hereby granted to ..... (1) of ..... (2) to recruit native labour from the date hereof until the 31st December 190... for employment within the Territory of Barotziland-North Western Rhodesia, (or, for employment within the Territory of Southern Rhodesia, or, for employment within the .... (3) at .....(4)

Such labour is to be recruited only within the limits endorsed hereon.

(Sgd).....
Secretary for Native Affairs.

(1) & (2) Insert name and address of Agent.
(3) Insert name of Colony or Protectorate.
(4) Insert the place or places within the Territory or Colony covered by the Licence for which the labour is required. If the Secretary for Native Affairs considers that no particular place or mine need be specified, this space need not be filled.

ENDORSEMENT .....

ENDORSEMENT OF LICENCE.

The holder hereof is entitled to recruit labour within the following districts .....

(names of district or districts).

(Sgd) .....

Secretary for Native Affairs.

Neither allowed nor disallowed.

C. O.
32126
Recd
Regd 7 SEP 07

No. 19 of 1907.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the removal to the Territory of Southern Rhodesia of prisoners sentenced within the limits of the Barotziland-North Western Rhodesia Order-in-Council 1899, to imprisonment with or without hard labour, in order that such persons may be detained in prison within the said Territory until expiration of sentence or release according to law:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:-

1. Every person who has been or may hereafter be sentenced by any competent Court within the limits of the Barotziland-North Western Rhodesia Order-in-Council, 1899, to imprisonment with or without hard labour, may by warrant signed by the High Commissioner be removed to Southern Rhodesia in order that such person may be detained and imprisoned therein under the "Prisoners Detention Ordinance 1905" of the said territory until the expiration of his sentence or release according to law.

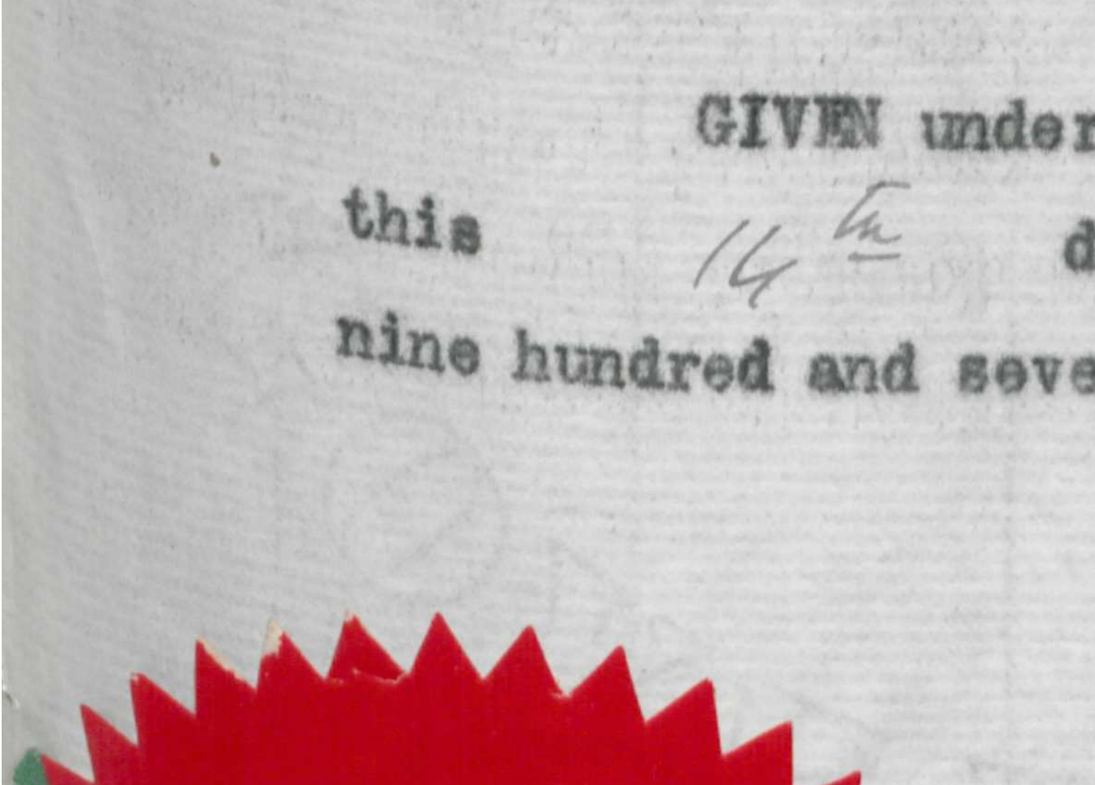
2. Any person in course of removal under a warrant signed by virtue of the preceding Section shall be deemed to be in lawful custody whilst within any portion of the Territory within the said limits.

3. The High Commissioner may from time to time make, revoke, alter or amend regulations providing for the removal of prisoners under this Proclamation.

4. Nothing in this Proclamation contained shall prevent the conviction judgment and sentence of any such person removed as aforesaid from being questioned within the limits of the said Order in the same manner as if he had not been removed, and the sentence of such person may be remitted and his discharge ordered in the same manner and by the same authority as if he had not been removed.

GOD SAVE THE KING!

GIVEN under my hand and seal at Pretoria this 14th day of August one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Rodwell

Imperial Secretary.

No 20. of 1907

(is an Administrative Proclamation & does not require sanction.)

C. O.
32132
RECD
REG 7 SEP 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

BY VIRTUE of the provisions of Clause 2 of the Order of His Majesty in Council, dated the 1st day of June, 1907, hereunto annexed, it is hereby proclaimed and made known that the said Order shall come into operation in Southern Rhodesia, in the Bechuanaland Protectorate, in Basutoland, in Barotziland North Western Rhodesia, and in Swaziland on the 16th day of August, 1907.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this 9th day of August, one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C. H. Rowlands

Imperial Secretary.

- AT THE COURT -

AT THE COURT AT BUCKINGHAM PALACE,

The 1st day of June, 1907.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY

Lord President — Lord Sandhurst

Earl of Elgin — Mr. Secretary Gladstone.

WHEREAS by an Order of His Majesty in Council dated the 8th day of August, 1901, it was provided that, subject to the provisions of such Order, the Fugitive Offenders Act, 1881, should apply as if the Territories named in the First Schedule of such Order were a British Possession, and that Part 2 of the said Act should apply to the Colonies, Possessions and Territories mentioned in the First and Second Schedules of such Order:

AND WHEREAS His Majesty has by treaty, capitulation, grant, usage, sufferance and other lawful means power and jurisdiction in and over the territory known as Swaziland:

AND WHEREAS by virtue of an Order of His Majesty in Council dated the 25th day of June, 1903 (known as the Swaziland Order in Council,1903), and of a further Order of His Majesty in Council dated the first day of December, 1906 (known as the Swaziland Order in Council,1906), there has been conferred upon and committed by His Majesty to

- the -

the High Commissioner for South Africa powers and authority in and over the territory of Swaziland:

AND WHEREAS by reasons of contiguity or frequent intercommunication with the Colonies, Possessions and Territories named in the First and Second Schedules of the Order of His Majesty in Council dated the 8th day of August, 1901, aforesaid it is expedient and conducive to the better administration of justice that Part 2 of the Fugitive Offenders Act, 1881, should apply to the territory of Swaziland as one of the Group of Colonies, Possessions and Territories mentioned in the First and Second Schedules of the said Order, and that subject to the provisions of the said Order in Council of the 8th day of August, 1901, and this Order, the Fugitive Offenders Act, 1881, should apply as if such territory were a British possession:

NOW THEREFORE, His Majesty, by virtue of the powers in this behalf by the Fugitive Offenders Act, 1881, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of His Privy Council to order and it is hereby ordered as follows: -

1. The Order of His Majesty in Council dated the 8th day of August, 1901, is hereby amended by the insertion of Swaziland amongst the territories mentioned in clause 2 (a) and Schedule 1 of the said Order, and the said Order shall henceforth be read and construed accordingly.

2. The Governor of each of the Colonies, Possessions

- and -

and Territories named in the Schedules of the said Order as amended by this Order shall cause this Order to be proclaimed therein, and the same shall come into operation in each such Colony, Possession or Territory on a day to be fixed by such Proclamation.

3. This Order shall be read as one with the Order in Council dated the 8th day of August, 1901.

A. W. FITZROY.

No. 21 of 1907.

C. O.
32133
Rec'd
Rec'd 7 SEP 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient that the operation of Proclamation No. 11 of 1907 making provision for the prevention of the spread of the disease known as "Scab" within the Bechuanaland Protectorate, should be extended to the farms known as "Crocodile Pools", "Forest Hill" and "Traquair":

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Immediately after the words "the farm Hildavale" in Section 1 of Proclamation No. 11 of 1907 there shall be inserted the words "the farm Crocodile Pools the farm Forest Hill the farm Traquair".

2. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this 14th day of August one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

C H Bodkin

Imperial Secretary.

No. 22 of 1907.

C. O.
32134
Recd
7 SEP 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend the law in force in the territory of Swaziland (hereinafter described as "the territory") regulating the burning of grass:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906, I do hereby declare proclaim and make known as follows:-

1. Any law now in force in Swaziland which is repugnant to or inconsistent with the provisions of this Proclamation shall be and is hereby repealed.

2. It shall not be lawful for any person to set fire to any grass at any place within the territory unless he shall have given forty eight hours notice of his intention to the white occupiers of any property adjoining the property on which he desires to set fire to grass and also to the headman or petty chief of the district and no sufficient objection has been

- raised -

raised by any such occupier or headman or petty chief after receipt of such notice to the setting fire of such grass.

3. Any person who sets fire to grass in contravention of the provisions of this Proclamation shall be liable on conviction before a Court of Assistant Commissioner having jurisdiction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment. Such person shall further be liable to compensate any person who has suffered damage by reason of such contravention; and the Court before which any such conviction shall have been obtained shall have jurisdiction to inquire summarily into the amount of damage so suffered notwithstanding that no civil process has been served upon the accused in respect thereof provided he be present or represented. Such Court may order that there be paid by way of compensation to any such person by the accused such sum (together with the costs of such inquiry) as it may think fair and reasonable. Any such order shall be enforced in the same manner as a judgment of such Court is enforced in civil proceedings had before it.

4. This Proclamation shall have force and take

- effect -

effect from the date of its first publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this 15th day of August one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 23 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to make certain provision for the Preservation of Game within the Territory of Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:—

1. For the purposes of this Proclamation unless inconsistent with the context

(i.) "Game" shall include all animals or birds not being domesticated named in the Schedule to this Proclamation or any such Schedule as amended by High Commissioner's Notice issued under section *nine* (9) of this Proclamation;

(ii.) "Large Game" shall include the animals or birds not being domesticated mentioned in Part II. of the Schedule to this Proclamation or such part of the Schedule as amended by such notice as aforesaid;

(iii.) "Hunt" shall mean shooting at pursuing taking killing or wilfully disturbing.

2. The period from the first day of September in each year to the last day of February in the succeeding year both days inclusive shall be a close season within which it shall be unlawful to hunt game.

3. It shall be lawful for the Resident Commissioner or any Officer duly authorised by him to issue licenses upon such condition as the Resident Commissioner may deem expedient to any person authorising such person to hunt game; no such license shall be transferable and the fee chargeable for any such license shall be ten shillings for every month or part of a month during which the same is available. It shall be in the discretion of the Resident Commissioner or such Officer as aforesaid to grant or refuse any application for such license.

4. Any person who hunts game during the close season and any person who hunts game at any time without having such license as aforesaid shall be liable on conviction to a penalty not exceeding one hundred pounds (£100) and in default of payment to imprisonment with or without hard labour for any period not exceeding six months.

5. In addition to such license as aforesaid it shall be necessary for any person desiring to hunt large game to obtain a special permit from the Resident Commissioner. Such permit shall not be granted by the Resident Commissioner to any person except with the concurrence of the Paramount Chief and it shall be in the discretion of the Resident Commissioner to refuse any application for such permit and where such permit is granted to determine the conditions subject to which the same is granted.

6. No person shall at any time hunt large game unless he has obtained such a special permit as is in the last preceding section mentioned or otherwise than in accordance with the conditions of such permit. Any person contravening this section shall be liable on conviction to a penalty not exceeding one hundred and fifty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months.

7. It shall be lawful for the Resident Commissioner or for any Assistant Commissioner within the limits of his jurisdiction or for any member of any police force lawfully established within Basutoland or for any other person duly authorised by the Resident Commissioner or by any Assistant Commissioner within

the limits of his jurisdiction at any time to demand the production of his license by any person engaged in hunting game and of his permit by any person engaged in hunting large game and any person failing or refusing to produce such license or permit on such demand shall be liable upon conviction to a penalty not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for any period not exceeding four months.

8. Any penalties imposed by this Proclamation may be sued for before any Court of Resident Commissioner or Assistant Commissioner having jurisdiction and all such penalties may be recovered by the seizure and sale of any property belonging to the person convicted and any portion of the penalties recovered not exceeding in any case one half may in the discretion of the Resident Commissioner or Assistant Commissioner trying the case be paid to the person (not being in the service of the Basutoland Government) on whose information the conviction shall have been made.

9. It shall be lawful for the High Commissioner by notice in the *Gazette* from time to time to add to or withdraw from either part of the Schedule to this Proclamation the names of any bird or animal.

10. Notwithstanding anything to the contrary in this Proclamation contained it shall not be necessary for any member of a native tribe of Basutoland to take out a license such as is in section 3 mentioned and none of the provisions of this Proclamation relating to such licenses shall apply to any member of such tribe.

11. This Proclamation may be cited for all purposes as "The Game Preservation Proclamation 1907" and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 27th day of August One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excelleney the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

Schedule I.

Vaal Rhebuck.	Klipspringer.
Rooi Rhebuck.	Reedbuck.

Schedule II.

Eland.	Hartebeeste.

C. O.
34473
Rec'd
28 SEP 07

P R O C L A M A T I O N

No. 24 of 1907

SANCTIONED

By His Excellency the High Commissioner.

WHEREAS the Liquor Licensing Ordinance 1902 of the Transvaal as amended by the Liquor Licensing Amendment Ordinance 1903 (No.8 of 1903), the Liquor Licensing Further Amendment Ordinance 1903 the Liquor Licensing (Railway Employes and Amending) Ordinance 1903 has been applied mutatis mutandis to the territory of Swaziland and is in force in the said territory.

AND whereas it is desirable to amend the said Ordinance as regards its application to Swaziland.

NOW THEREFORE under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

1. Section thirty five of the said Liquor Licensing Ordinance 1902 as applied to Swaziland shall be and is hereby amended by the deletion therefrom of the following words- "distant at least twelve miles from the office of a Resident Magistrate or Assistant Resident Magistrate and at least twelve miles from any other licensed hotel".

2. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my Hand and Seal at Pretoria this 29th day of August One thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

for Imperial Secretary.

C O.
34474
RECD
REC' 28 SEP 07

SANCTIONED

P R O C L A M A T I O N

No. 25 of 1907

By His Excellency the High Commissioner.

WHEREAS by Proclamation No.2 (Swaziland) 1906 it was provided that the Game Preservation Ordinance 1905 of the Transvaal should be deemed to be law within the territory of Swaziland from the sixth day of April 1906 And whereas it is desirable to amend the Schedule to the said Ordinance as regards the application thereof to Swaziland.

NOW therefore under and by virtue of the powers in me vested by sub-section (c) of section three of the said Ordinance and by sub-section (2) of section two of the Swaziland Administration Proclamation 1907 I do hereby declare proclaim and make known that the name of the Blue-headed Guinea Fowl Numida Edouardii Kuifkop tarentaal shall be and is hereby withdrawn from the first part of the Schedule to the said Ordinance

as applied to Swaziland.

GOD SAVE THE KING !

Given under my Hand and Seal at Pretoria

this 29th day of August One thousand nine

hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 26 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient that a duty be imposed on the exportation of any Angora ram or ewe from Basutoland save in the case of exportations of such animals to any Colonies or Territories in South Africa wherein by statute a duty of like amount is imposed on the exportation of such animals therefrom:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Upon every Angora ram or ewe exported from Basutoland after the date of the taking effect of this Proclamation there shall be payable save as in this Section provided to the officer appointed to receive the same a duty of one hundred pounds; provided always that no such duty shall be payable on the export of any ram or ewe to any Colony or Territory in South Africa as soon as notice shall have been given in the *Gazette* that by statute such Colony or Territory has provided for the imposition of a duty on the export therefrom of Angora rams and ewes not less than the amount imposed by this Proclamation.
2. Every person who shall export from Basutoland any Angora ram or ewe save as in this Proclamation provided without payment of the duty imposed thereby shall be liable on conviction in addition to the duty of a fine of not less than twenty-five pounds and not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months unless such fine be sooner paid.
3. The High Commissioner may from time to time make alter or rescind regulations for the carrying out of the provisions of this Proclamation.
4. This Proclamation shall have force and effect from the First day of October 1907.

God Save the King.

Given under my Hand and Seal at Pretoria this Twenty-eighth day of August One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 27 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the existing law regulating the recruitment of native labourers within the territory of Basutoland (hereinafter referred to as "the Territory");

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:

1. Proclamation No. 17 of 1903 dated the seventh day of December one thousand nine hundred and three shall be and is hereby repealed provided however that such repeal shall be without prejudice to any act done or penalty imposed under the said Proclamation and shall not affect any proceeding pending under the said Proclamation at the date when this Proclamation takes effect or any penalty which under the said Proclamation may be imposed in such proceeding and any license duly granted under the said Proclamation shall remain of full force and effect for the period for which it was issued unless the same shall be cancelled under the provisions of section *eleven* of this Proclamation.

2. For the purpose of this Proclamation the term "Labour Agent" shall mean any person who shall himself or through runners or messengers in his own name or otherwise procure or attempt to procure seek for or engage conduct take charge of supply or undertake to supply natives to be employed in work or labour of any kind within or beyond the borders of the Territory; provided that the term "Labour Agent" shall not include

(1) natives employed by a licensed Labour Agent under the authority of such a permit as is hereinafter mentioned as runners or messengers; nor

(2) any person who procures or engages or conducts natives exclusively for his own *bona fide* domestic or personal service or business or for the service or business of a firm to which he belongs unless such person or firm employs more than twenty natives at one and the same time.

3. No person shall act as a Labour Agent within the Territory unless he is the holder of a current license for that purpose issued to him by the Resident Commissioner or by some officer duly authorised by the Resident Commissioner to issue such licenses. Such licenses shall be in such form as the Resident Commissioner may from time to time prescribe and shall not be transferable. Every such license shall be for a period not exceeding one year and shall expire on the thirty-first day of December in the year for which it is granted and the amount payable for every such license shall be the sum of fifteen pounds sterling; provided that for licenses issued after the first day of July in any year one-half only of such amount shall be payable.

4. Every Labour Agent's license shall be issued subject to such limitations and qualifications whether in respect of the local limits within which recruiting may be carried on the number of native labourers to be recruited or otherwise as shall appear on the face of such license and a licensed Labour Agent shall not act as a Labour Agent otherwise than in the manner authorised by his license and in accordance with the limitations thereby imposed.

5. Every licensed Labour Agent may employ one or more natives as runners or messengers to procure ply or seek for engage or collect on his behalf native labourers to be employed or engaged in work or labour of any kind within or beyond the borders of the Territory. No such runner or messenger shall be employed unless such Labour Agent has in writing made application for and has obtained from the Resident Commissioner or other authorised officer a permit authorising such employment. The amount payable for such permit shall be twenty shillings for each year or portion of a year ending on the thirty-first day of December; provided that for permits issued after the first day of July in any year one-half only of such amount shall be payable; provided further that any such permit shall only authorise the employment of such runner or messenger so long as the license held by the Labour Agent at whose request such permit is issued is in force or until such Labour Agent shall during the currency of his license deliver such permit to the Resident Commissioner or other authorised officer who issued it together with an application in writing for its cancellation.

6. Any person procuring plying or seeking for engaging or collecting native labourers to be employed in work or labour of any kind within or beyond the borders of the Territory on behalf of any Labour Agent without being authorised so to act by such a permit as is in the last preceding section mentioned shall for the purpose of this Proclamation be deemed and taken to be exercising the calling of a Labour Agent as described in section *two* of this Proclamation.

7. For the purpose of this Proclamation any representations made or any act or thing done in connection with the procuring plying or seeking for engaging or collecting of native labourers to be employed in any kind of labour or work within or beyond the borders of the Territory by any runner or messenger whose employment is authorised by such a permit as is in section *five* of this Proclamation mentioned shall be deemed and taken to have been made or done by the Labour Agent at whose request such permit was issued to such runner or messenger and such Labour Agent shall be liable to any penalty provided by this Proclamation in respect of the making of any such representation or the doing of any such act or thing; provided always that any permit authorising his employment as runner or messenger shall *ipso facto* become void and shall be delivered up for cancellation.

8. Every application for a Labour Agent's license or for the renewal thereof must be accompanied by a statement giving the following particulars:—

(*a*) The name and address of the employer or employers for whom it is proposed to procure native labourers;

(*b*) The nature of the proposed employment;

(*c*) The rate of wages at which the native labourers are to be engaged;

(*d*) Any further particulars as to the proposed terms of service which the officer issuing the license may demand.

9. No licensed Labour Agent shall attempt to procure native labourers within any district of the Territory until he has deposited with the Assistant Commissioner of such district a copy of the statement upon which his license was granted or renewed.

10. The issue or renewal of any license may be refused by the Resident Commissioner or any officer authorised to issue licenses without any reason being given for such refusal.

11. It shall be lawful for the Resident Commissioner to cancel any Labour Agent's license issued under this Proclamation or under Proclamation No. 17 of 1903 if it is proved to his satisfaction that the person holding such license has

(*a*) neglected or refused to render such return as is in section *fourteen* of this Proclamation mentioned or has wilfully rendered an incorrect or false return; or

(*b*) failed to deposit one hundred pounds or find other security when called upon to do so under the provisions of sections *fifteen* and *sixteen* of this Proclamation or to keep the same up to the full value in accordance with the provisions of section *sixteen* of this Proclamation; or

(*c*) been guilty of any misconduct which in the opinion of the Resident Commissioner renders it undesirable that he should be allowed to continue to carry on the calling of a Labour Agent under the provisions of this Proclamation;

providing always that such cancellation shall not take effect until the same shall have been notified either to the Labour Agent himself personally or by the exhibition of a notice thereof publicly at the Resident Commissioner's Office during seven consecutive days.

12. Any person holding a Labour Agent's license which shall have been cancelled under the last preceding section shall upon demand of the Resident Commissioner or of any Assistant Commissioner or police officer deliver up such license together with any permits for runners or messengers still in force which may have been issued on his application to the officer demanding the same.

13. It shall be lawful for any Assistant Commissioner or police officer or any other person authorised thereto in writing by the Resident Commissioner at any time to demand the production by any person exercising the calling of a Labour Agent or of a runner or messenger employed by a licensed Labour Agent of his license or permit as the case may be and every such person shall upon such demand produce such license or permit for the inspection of the officer demanding the same.

14. Every Labour Agent shall within fourteen days from the expiration of each calendar month furnish the Resident Commissioner with a return in respect of such month which shall be certified to be correct and shall be duly signed by the Labour Agent showing the names and residences of all native labourers procured or supplied by him during such month the names of their employers or their employers' Agents and the terms of contracts and conditions of employment. Such return shall be in such form as the Resident Commissioner may from time to time prescribe. Any Labour Agent who shall neglect or refuse to render such return or in the event of no such labourers being procured or supplied during any month then a nil return to the Resident Commissioner or who shall wilfully render an incorrect or false return shall be deemed to have contravened this section and shall be liable upon conviction to the penalties prescribed by section *twenty-three* of this Proclamation.

15. Every Labour Agent upon first obtaining a license under this Proclamation shall either deposit with the Resident Commissioner or other authorised officer issuing the same the sum of one hundred pounds sterling or find security to the like amount to the satisfaction of the Resident Commissioner or other authorised officer and shall also fix a *domicilium citandi et executandi* within the Territory where all civil process in respect of any breach of contract or recovery of wages may be served.

16. Such deposit or other security shall remain and be kept up to full value of one hundred pounds as long as the said Labour Agent remains licensed as hereinbefore provided but it shall be lawful for the Resident Commissioner or other authorised officer to call upon such Agent when renewing his license or at any other time thereafter whilst the same is in force to find other security in place of that originally found by him or in default of so doing to deposit the sum of one hundred pounds.

17. In case of cancellation of a license as aforesaid or in case the same shall not be renewed but shall be returned the said deposit or other security shall three months after the cancellation or the return of such license on application be delivered back by the Resident Commissioner or other authorised officer.

18. If any native who has been induced to enter into an agreement with a Labour Agent for service shall sue such Agent or his employers in any competent Court within the Territory and shall recover any sum by way of damages or costs or if any Labour Agent shall fail to pay or satisfy any fine imposed upon him the said deposit or other security or such portion thereof as may be sufficient shall be applied in satisfaction of the judgment of such Court or such fine and thereupon such Agent shall renew the said deposit or other security so that the same shall be kept up to the full value thereof as provided in section *sixteen* of this Proclamation.

19. No person shall by any representation as to terms or conditions of employment which he knows to be false nor by any promise as to terms or conditions of employment which he knows himself to be unable to fulfil or has no intention of fulfilling induce or attempt to induce any native to leave the Territory or to engage himself to work or labour whether within or without the Territory.

20. No person shall directly or indirectly either by himself or by an Agent by any means cause induce or persuade or attempt to cause induce or persuade any native servant to leave his employer's service in violation of any agreement of service.

21. It shall be lawful for any officer authorised to issue Labour Agents' licenses and permits for runners or messengers to issue a license and permits without the payment of any fees to any Labour Agent who may be employed to recruit native labourers exclusively for the service of the Government of any British Colony or Territory in South Africa or of the Inter-Colonial Council of the Transvaal and Orange River Colony and the services controlled thereby or to any Labour Agent who may seek to engage native labourers exclusively as farm or agricultural labourers for employment within the Orange River Colony or the Cape Colony but any such Labour Agent shall in all other respects be subject to the provisions of this Proclamation.

22. No concession or contract by which any native chief or headman purports to bind himself or his people to provide native labourers shall be valid; and no contract entered into in the Territory between a native and a Labour Agent by which such native purports to bind himself to leave the Territory or to work or labour either within or without the Territory

shall be valid unless such Labour Agent is at the date when such contract is entered into the holder of a current Labour Agent's license lawfully issued.

23. Any person contravening section *three four nine twelve* or *nineteen* of this Proclamation shall upon conviction be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such imprisonment and such fine; and any person contravening section *thirteen fourteen* or *twenty* of this Proclamation shall upon conviction be liable to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

24. This Proclamation may be cited as the Basutoland Native Labour Proclamation 1907 and shall take effect on the First day of October 1907.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-ninth day of August One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 28 of 1907.

SANCTIONED

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P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by the Swaziland Administration Proclamation 1904 provision was made amongst other things for the constitution of a commission to deal in manner provided by such Proclamation with concessions or grants made by or on behalf of the King or Paramount Chief of Swaziland and confirmed by the Chief Court established in the said territory by the Organic Proclamation 1890:

AND WHEREAS it is expedient to amend in certain respects the provisions of the said Swaziland Administration Proclamation 1904 relative to the concessions to be dealt with by the said commission and in particular to provide for the setting apart of land for the sole and exclusive occupation of natives of the territory and the grant of freehold or other rights to persons holding concessions in respect of land not so set apart:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

Definitions.

1. In this Proclamation unless inconsistent with the context;

"Commission" shall mean the Concessions Commission appointed under section eleven of the principal law.

"Concessionaire" shall mean in relation to a concession the holder for the time being of such concession.

"Gazette" shall mean the official gazette of the High Commissioner.

"Land Concession" shall mean any concession confirmed by the Chief Court (other than a mineral concession) which confers any title or right (not being a right included in section twelve of the principal law) to land or the use thereof for agricultural grazing or other purposes.

"Later land concession" shall mean a land concession of subsequent date to a prior land concession but conferring rights similar to and over the same area or a portion of the same area as that covered by and exerciseable only after the expiry of the rights granted under such prior land concession.

"Mineral concession" shall mean a concession confirmed by the Chief Court conferring a right (not being a right included in section twelve of the principal law) to mine dig search or otherwise explore for precious or base metals or coal or for precious stones or in the case of any such concession which confers any such right in addition to other rights such concession in as far as it relates to such right.

- Principal -

"Principal law" shall mean the Swaziland Administration Proclamation 1904.

"Prior land concession" shall mean a land concession prior in date to a later land concession but conferring rights similar to and over the same area or a portion of the same area as that covered by the rights conferred by such later land concession.

"Special Commissioner" shall mean the person appointed under section three of this Proclamation.

"Territory" shall mean the territory of Swaziland.

PART I.

SETTING ASIDE OF LAND FOR EXCLUSIVE OCCUPATION OF NATIVES OF THE TERRITORY.

Repeal of section 20 of Swaziland Administration Proclamation 1904.

2. Section twenty of the principal law shall be and is hereby repealed.

Appointment of Special Commissioner.

3. The High Commissioner may from time to time appoint the Resident Commissioner or some other fit and proper person to be a Special Commissioner to carry out the provisions of this Part of this Proclamation. The Special Commissioner shall in carrying out such provisions act in accordance with the lawful directions and instructions of the High Commissioner and with any regulations that may be from time to time framed under section eleven.

Setting apart of portions of land affected by

4. (1) The Special Commissioner shall set apart portions of land affected by any land

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y land concession
or use and occu-
pation of natives.

concession or land concessions for the sole and exclusive use and occupation of natives of the territory and shall for such purpose cause land so set apart to be surveyed and diagrams thereof framed at the cost of the concessionaire or concessionaires and if necessary apportion such costs pro rata amongst such concessionaires. The provisions of section sixteen of the principal law shall mutatis mutandis apply to the repayment of such costs with interest thereon by instalments.

(2) In exercising his duties under this section the Special Commissioner shall demarcate one-third of the area of land the subject of any land concession unless there shall be some sufficient reason approved by the High Commissioner for not demarcating any portion of such area or for demarcating a portion or portions thereof less in extent than such one-third and the site or sites of the area demarcated shall be as the Special Commissioner may in his discretion determine subject to an appeal to the High Commissioner as in section nine is provided.

(3) The High Commissioner may in his discretion require the Special Commissioner to demarcate more than one-third of the area of land the subject of a land concession: provided that the concessionaire shall in such case be entitled to be compensated in respect of the extent of area in excess of the one-third aforesaid. The

- amount -

amount of such compensation shall in default of agreement be determined by an arbitrator appointed by the Chief Justice of the Transvaal the remuneration of such arbitrator and the costs necessarily incidental to arbitration proceedings not including any costs incurred by the concessionaire being paid out of the revenue of the territory. The amount of any compensation paid or estimated to become payable under this sub-section shall be recoverable from all holders of any land or mineral concession or of any title to land issued in substitution for any such concession in such proportions and in such manner as the High Commissioner may hereafter determine.

(4) If no portion of the area of land the subject of a land concession is demarcated as aforesaid or if the portion or portions demarcated do not equal in extent one-third of the area of land the subject of a land concession the High Commissioner may require the Special Commissioner -

(a) to select a defined piece or defined pieces of land which together with the area demarcated as aforesaid if any will make up such one-third and to demand transfer of such piece or pieces of land from the concessionaire; or

(b) to demand transfer from the concessionaire of an undivided share of such proportion of land the subject of his land concession as together with the area

- demarcated -

demarcated as aforesaid if any will make up such one-third.

Such piece or pieces of land or undivided share shall be transferred free of cost to the concessionaire into the name of the High Commissioner who may in his discretion sell the same and apply the proceeds of sale to reduction of any expenditure incurred in the exercise of the powers of this section or may exchange or otherwise dispose of such piece or pieces of land or undivided share as to him may appear expedient.

(5) Any rights with regard to precious or base metals precious stones minerals or mineral products exercisable whether under a mineral concession or otherwise in respect of any portion of land demarcated selected or transferred under this section shall not be affected by such demarcation selection or transfer but such rights shall be subject to the provisions of section ten of this Proclamation.

Provision for expropriation of land concessions on application of concessionaires.

5. A concessionaire may after the exercise of the powers of the last preceding section in respect of his land concession make application that such portion of land the subject of his land concession which has not been demarcated selected or transferred as aforesaid be expropriated and the High Commissioner may grant or refuse such application; provided that if such application be granted the purchase price of the portion so expropriated shall in default of

agreement be determined by an arbitrater to be appointed by the Chief Justice of the Transvaal such price and the costs necessarily incidental to such determination not including any costs incurred by the concessionaire being paid out of the general revenues of the territory.

Concessionaires' interest in land set apart under section 4 extinguished and land not so set apart freed from native use and occupation subject to certain provisions.

6. All rights or interests conferred upon a concessionaire by his land concession shall in respect of any portion of land demarcated selected or transferred under section four cease and determine and such concessionaire shall save as specially provided in sub-section three of the said section have no claim to compensation in any court of law or any place whatsoever in respect of rights or interests so extinguished. Any portion not so demarcated selected or transferred shall be freed from any right possessed by natives of the territory to use and occupation of the same subject to the following provisions:-

(a) For a period of five years after the demarcation selection or transfer of land as aforesaid no native from time to time actually resident on such land shall be compelled to move therefrom nor shall any money or other consideration be exacted from him by a concessionaire in respect of his occupation thereof.

(b) After such period of five years any native family may continue to occupy such land on such terms as may by agreement with the concessionaire be determined. Any such agreement shall be

subject to the confirmation of the Resident Commissioner.

(c) All land the subject of a land concession whether demarcated selected or transferred as aforesaid or whether the same be freed from use and occupation by natives shall be subject to any rights of way and outspan and to any rights to take water wood or reeds which may be awarded by the Special Commissioner in respect of such land and shall further be subject to such rights of way and outspan as have been or may hereafter from time to time be by law established.

Issue of free-hold title in respect of land not set apart for natives.

7. If a concessionaire has under a land concession been granted:-

(a) title to the ownership of land; or

(b) a lease of land which with or without rights of renewal is of not less than ninety-nine years duration;

there shall be issued to such concessionaire freehold title in respect of any portion of land held under such title or lease not demarcated selected or transferred as aforesaid subject to such leases and servitudes as may be determined by the Commission under section fifteen of the principal law as amended by section fourteen of this Proclamation and to such other servitudes as may be awarded by the Special Commissioner under the last preceding section; provided that if such land is the subject of a later land concession the concessionaire who is at the date of this Proclamation entitled to beneficial enjoyment of the right under his

concession for the longer unexpired period shall have the preferent right to claim freehold title under this section; provided further that if such concessionaire be the holder of the prior land concession he shall not be entitled to claim such freehold title unless the High Commissioner is satisfied that he has compensated the holder of the later land concession for the value of rights which would by the grant of such freehold title be extinguished. The amount of such compensation shall in the absence of agreement be fixed by an arbitrator appointed by the Chief Justice of the Transvaal.

Conditions to which grant of freehold title will be subject.

8. Every grant of freehold title made under the last preceding section shall be subject to the following conditions; that is to say -

(a) the grantee shall continue payment of any rents royalties or other moneys due under the concession on which his claim to freehold title is based provided however that in substitution for any such rents royalties or other moneys which are payable to the Swaziland Administration the grantee may be required to pay quit rent of such amount and at such periods as may be fixed by regulation;

(b) the grantee shall not by virtue of the grant become entitled to receive any rents royalties or other moneys payable under any concession affecting the land included in the grant, or any portion of such land which he was not entitled to receive by virtue of the concession on which his claim to freehold title is based;

(c) the grantee shall in the event of his failing beneficially to occupy the land by himself or one or more white male substitutes of full age to the satisfaction of the High Commissioner be liable to pay to the Swaziland Administration fines of such amounts and at such periods as may be fixed by regulation;

(d) all rights to precious or base metals precious stones minerals and mineral products shall be excluded from the grant: with the exception of any such rights which are specifically granted by the concession on which the grantee's claim to freehold title is based;

(e) such other conditions not being inconsistent with the conditions above mentioned as are by the laws of the Transvaal implied in grants of Crown land. The term 'the grantee' as used in this section shall be deemed to include any person who is the grantee's successor in title to any land included in a grant or any portion of such land.

Appeal to the High Commissioner against decision of Special Commission.

9. An appeal shall lie to the High Commissioner against any exercise by the Special Commissioner of the powers of this Part of this Proclamation but there shall be no other appeal against any exercise by the Special Commissioner of such powers and the decision of the High Commissioner shall be final.

Restrictions on exercise of rights under mineral concessions.

10. (1) The High Commissioner may from time to time by notice in the Gazette define areas which

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are occupied by or are in the neighbourhood of native kraals of special importance or are the sites of the graves of native chiefs as protected areas and notwithstanding anything contained in any mineral concession it shall not be lawful to carry on any prospecting or mining operations in such protected areas.

(2) The exercise of rights under mineral concessions shall be subject in all respects to such restrictions on the disturbance of or interference with water buildings works kraals cultivated land and other improvements and to such provisions as to compensation for any such disturbance or interference as the High Commissioner may hereafter from time to time by Proclamation determine.

Power of High Commissioner to make regulations.

11. The High Commissioner may from time to time make alter and rescind regulations not inconsistent with the provisions of this Part of this Proclamation as to the amounts and times of payment of quit-rents and fines mentioned in section eight and generally for the better carrying out of the objects and purposes of this Part of this Proclamation.

PART II.

GENERAL AMENDMENTS OF THE SWAZILAND ADMINISTRATION PROCLAMATION, 1904.

Amendment of section 10 of Swaziland Administration Proclamation, 1904.

12. (1) Section ten of the principal law shall be and is hereby amended by the insertion at the

- end -

end thereof of the following words:-

"Where any such concession or grant was so con-
firmed in part only the same shall not be
"recognised by any Court of Law except to the
"extent of such limited confirmation".
And such additional words shall be deemed to
have been inserted at the date of the taking
effect of the principal law.

Meaning of terms used in Swaziland Administration Proclamation 1904.

13. Whenever in section fourteen of the principal law the words "President of the Commission" occur the words "the Commission" shall be substituted therefor; and whenever in the principal law the term "Resident Magistrate" occurs the same shall be deemed to mean the Resident Commissioner appointed under the Swaziland Administration Proclamation 1907.

Amendments of and additions to section 15 of Swaziland Administration Proclamation, 1904.

14. Section fifteen of the principal law shall be and is hereby amended -

(a) by the addition to the end of sub-section one thereof of the following words:-
"and any decision of the Commission under this
"section shall forthwith be transmitted in
"writing to the Registrar of Deeds by the
"President";

(b) by the addition thereto of the following new subsections:-

(3) "It shall be lawful for the Commission from time to time to appoint any member thereof or any duly qualified surveyor to take evidence on oath on any question relating to the boundaries

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of the land affected by any concession and the record of any evidence so taken shall be made by or under the supervision of the person so appointed and authenticated by him, and the evidence so recorded shall be deemed to be evidence taken before the Commission. Any person appointed by the Commission to take evidence under this sub-section shall have and exercise all the powers privileges and jurisdiction conferred by the Commissions Powers Ordinance 1902".

(4) "The Commission shall further inquire into and decide the extent to which any concession the boundaries of which have been determined under sub-section (1) of this section is registerable (if at all) as a servitude or lease against any other concession the boundaries of which have been similarly determined and upon receipt of such decision by the Registrar of Deeds such officer shall cause the necessary entries to be made in his registers and endorsements to be made on the copy of each such concession which is filed in his office and also on the registered copy of the holder of each such concession. Within two months or such further time as the High Commissioner may allow of the notification to any such holder of any decision by the Commission under this sub-section the holder of any concession affected by such decision shall lodge with the Registrar of deeds a registered copy of such concession or other title thereto in order that such endorsement aforesaid may be made

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thereon and if such holder shall fail to lodge such copy or other title as hereby required the Registrar of Deeds shall notify such failure in the Gazette and in three newspapers circulating in Swaziland and in the Transvaal".

Amendment of section 25 of Swaziland Administration Proclamation, 1904.

15. Section twenty-five of the principal law shall be and is hereby amended by the insertion therein immediately after the word "fulfilled" of the words "or if in the opinion of the Commission there is "a reasonable excuse for the non-performance of such "conditions" and such additional words shall be deemed to have been inserted at the date of the taking effect of the principal law.

Issue and registration of certificates in respect of certain land and mineral concessions and cancellation of concessions in respect of which certificates are not obtained.

16. (1) The holder of any later land concession or of any later mineral concession may at any time after the boundaries of the land affected by such concession have been determined under section fifteen of the principal law apply to the President of the Commission for the issue to him of a certificate indicating

(a) by reference to the appropriate diagram the area over which and the period within which his rights under such later land concession or such later mineral concession are exercisable;

(b) in the case of a later land concession all land concessions and mineral concessions or portions thereof to which such later land concession is subject and in the case of a later mineral concession all mineral

concessions or portions thereof to which such later mineral concession is subject.

(2) Upon receipt of such application the said President shall forthwith issue to the applicant the certificate aforesaid and the Registrar of Deeds shall upon application to him in writing by the holder of such certificate register such certificate and note the same upon the title to the later land concession or the later mineral concession as the case may be.

(3) Any later land concession or later mineral concession shall become null and void unless the holder of such concession applies to the said President for such certificate and obtains registration thereof within two months or such further time as the High Commissioner may allow after a notice informing such holder of the recognition of his rights under such later land concession or later mineral concession has been addressed to him by the said President and transmitted by registered post. Upon receipt of a certificate signed by the President of the Commission that any concession has become null and void under this section the Registrar of Deeds shall cancel the registration of such concession in his Registers.

(4) The term 'later mineral concession' as used in this section shall mean a mineral concession conferring rights similar to and over the same area or a portion of the same area as that

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covered by and exerciseable only after the expiry of the rights granted under a mineral concession prior in date.

Forfeiture or cancellation of concession not to entitle holder to refund of moneys paid.

17. No decision of the Commission and no forfeiture or cancellation of any concession under the provisions of the principal law or of this Proclamation shall entitle or shall be deemed to have entitled the holder of any concession to a refund of any part of the rents or royalties or other moneys paid by him under the terms of such concession or under the provisions of the principal law.

Title and date of taking effect.

18. This Proclamation may be cited for all purposes as the Swaziland Concessions Partition Proclamation 1907 and shall be read as one with the principal law and shall save as is in sections twelve and fifteen otherwise provided have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Lobengula this 19th day of October one thousand nine hundred and seven.

H. M. Rhodes

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Boutmier for Imperial Secretary.

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Rec'd
Read 7 DEC 07

No. 29 of 1907.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the Proclamation of the High Commissioner dated the 6th day of July 1904 No. 18 of 1904 relating to the Police Force of Southern Rhodesia, known as the British South Africa Police, (which Proclamation is hereinafter referred to as 'the said Proclamation') for the purpose of removing doubts which have arisen as to the meaning of the term 'Commanding Officer' as used therein:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:

1. Section eighteen of the said Proclamation shall be and is hereby amended by the insertion therein after the words "Commanding Officer" of the words "of the Force".

2. Section forty-one of the said Proclamation shall be and is hereby amended by the addition at the end thereof of the following paragraph:-

(5) "Commanding Officer" includes the Commanding Officer of the Force and any Officer in command of any detachment of the Force.

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3. This Proclamation shall be read as one with the said Proclamation and the amendments hereby made in the said Proclamation shall be deemed to have been inserted therein at the date of the taking effect thereof and to have taken effect at such date.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Belmopan this 21st day of October one thousand nine hundred and seven.



Sellwe

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

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No. 30 of 1907.

SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the appointment of more than one superintendent of natives for each province of the territory within the limits of the Southern Rhodesia Order in Council 1898 for the purpose of the discharge of duties and functions conferred and imposed on Superintendents of Natives by the Administrator in Council.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything contained in section eleven of the Proclamation of the High Commissioner dated the first day of July 1902 providing for the conduct of native affairs within the said Territory the Administrator in Council may from time to time appoint for each province of the said Territory more than one Superintendent of natives: the provisions of the said section shall apply in respect of any additional Superintendent appointed under the powers of this Proclamation.

2. This Proclamation shall have force and take effect from the date of its first publication in the Official Gazette of the High Commissioner.

GOD SAVE THE KING!

GIVEN under my hand and seal at Ruluwazo this 21st day of October one thousand nine hundred and seven.



Sillevue

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 31 of 1907.

SANCTIONED

43724

REC^D
REG^D 14 DEC 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS a new Universal Postal Union Convention was concluded at Rome on the 26th May 1906, and it was provided in such Convention that the same should come into force on the first day of October 1907, and whereas the Bechuanaland Protectorate is a member of the said Union:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. From the date of the taking effect of this Proclamation the provisions of the Principal Convention of the Universal Postal Union concluded at Rome on the 26th May 1906 shall apply and shall be deemed to have applied to all mail matter, other than that sent through the Parcel Post, transmitted between the Bechuanaland Protectorate

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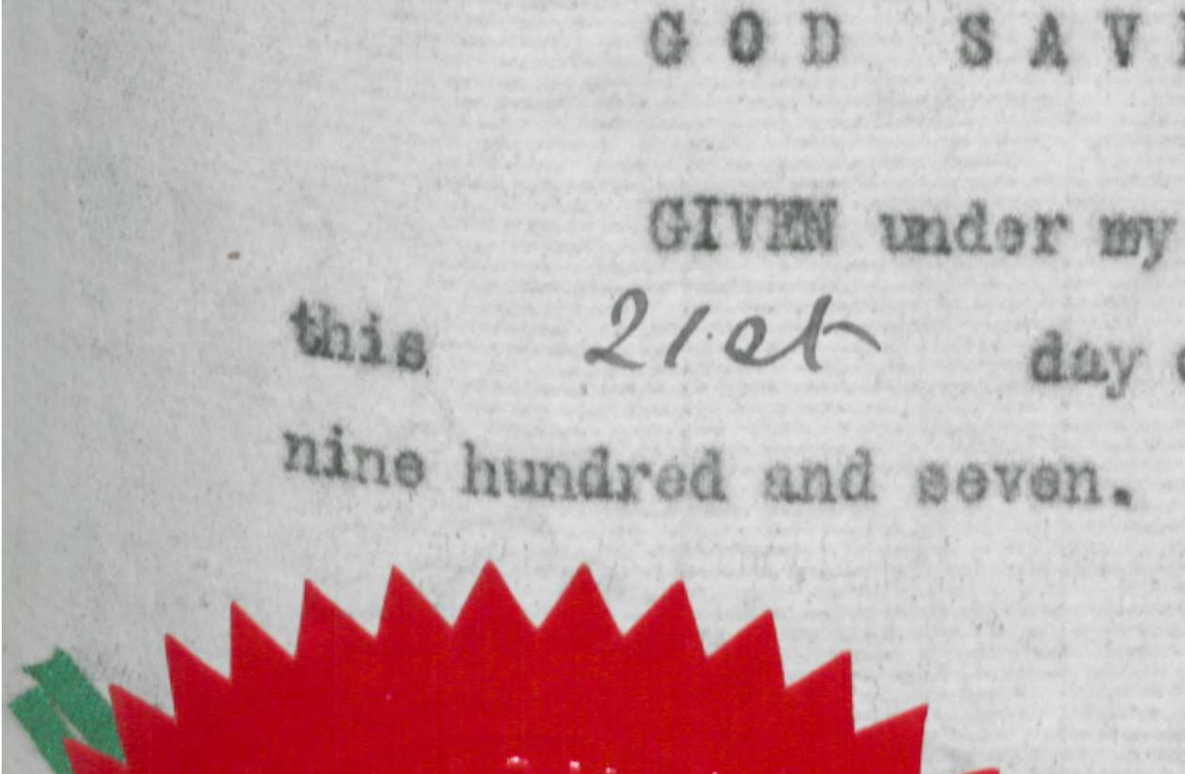
and oversea countries members of the Universal Postal Union.

2. From the date of the taking effect of this Proclamation the regulations contained in the Schedule hereto shall have and shall be deemed to have had effect as regards mail matter admitted for transmission by registered post from any Post Office in the Bechuanaland Protectorate to any country a member of the Universal Postal Union and vice versa except countries with which other arrangements may be in force for the time being.

3. This Proclamation shall be deemed to have taken effect on the first day of October 1907.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Rulenwazo this 21st day of October one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

H J Bruttiner

for Imperial Secretary.

S C H E D U L E.

COMPENSATION FOR LOSS IN THE POST OF REGISTERED MAIL MATTER TRANSMITTED UNDER THE UNIVERSAL POSTAL UNION REGULATIONS.

1. Except in cases beyond control (for example tempest, shipwreck, earthquake or war) the Postmaster-General may, upon it being proved to his satisfaction, that a packet duly admitted to Registration has been entirely lost whilst in the custody of the Post Office pay an indemnity of £2 or 50 francs in respect of such loss.

2. Under no circumstances shall compensation be paid unless application therefor be made within one year from the date of posting of the missing article.

3. Each application for compensation should comply with the following conditions:-

(a) It should be made by letter addressed to the Secretary, General Post Office, Cape Town.

(b) It should be accompanied by the registration receipt handed by the Officer of the Post Office to the sender.

(c) The contents of the missing packet should be fully described, and the number, amount, bank by which issued and date of any bank note enclosed in

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the packet should, as far as practicable, be furnished, also the number, amount and Office and date of issue of any Postal Note (Postal Order) or Money Order enclosed therein.

4. In these regulations the term "packet" means any letter, post card or other article transmissible by registered post under the regulations of the Universal Postal Union for the time being in force.

No. 32 of 1907.

SANCTIONED

43724

REC'D
REG'D 14 DEC 07

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is necessary and expedient that the provisions of Act No.34 of 1902 of the Colony of the Cape of Good Hope should have effect throughout the Bechuanaland Protectorate and that regulations should be made for the said Protectorate as to compensation for loss on inland registered packets or their contents:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

1. The provisions of Act No.34 of 1902 of the Colony of the Cape of Good Hope, entitled the Post Office Act Amendment Act 1902 which is contained in Schedule A to this Proclamation shall mutatis mutandis be in force and have effect within the limits of the Bechuanaland Protectorate provided that for the purpose of the application of the said Act to the Bechuanaland Protectorate for the words "from any place within the Colony of the Cape of Good Hope to any other place within the same" occurring in section one of the said Act there shall be deemed to be substituted the words "from any place within the Bechuanaland Protectorate to any other place within the same or from any place within the Bechuanaland Protectorate to any place in the Colony of the Cape of Good

- Hope -

Hope or the Orange River Colony or vice versa".

2. The regulations contained in Schedule B to this Proclamation shall have effect as regards articles of mail matter admitted for transmission by registered post within the Bechuanaland Protectorate or between the Bechuanaland Protectorate and either the Cape Colony or the Orange River Colony and shall be deemed to be regulations made under the said Act as applied to the Bechuanaland Protectorate.

3. This Proclamation shall be deemed to have had force and effect from the first day of October 1907.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Bulawayo this 21st day of October one thousand nine hundred and seven.

Sellwe

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

SCHEDULE A.

A C T

TO FURTHER AMEND THE POST OFFICE ACT, 1882.

(Assented to 17th November, 1902.)

Be it enacted by the Governor of the Colony of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof as follows:-

1. In addition to the purposes mentioned in Section four of the "Post Office Act, 1882", it shall be lawful for the Governor from time to time, and whenever he shall deem it expedient so to do, to make, alter, and repeal regulations for the insurance of and for the granting of compensation for the loss of or damage to letters, parcels and packets forwarded through the post from any place in the Colony of the Cape of Good Hope to any other place within the same.

2. Such regulations may inter alia deal with the following matters:-

(1) The conditions under which such letters, parcels and packets as aforesaid may be posted, conveyed and delivered.

(2) The declaration or declarations necessary to be made as to the contents of letters, parcels and

- packets -

packets desired to be insured.

(3) The maximum amount for which any letter, parcel or packet may be insured, or which may be granted as compensation in respect of the loss of or damage to such letter, parcel or packet.

(4) The fees chargeable for the insurance of such letters, parcels and packets.

(5) The articles which may or may not be contained in such letters, parcels and packets.

(6) The conditions under which the amount assured shall be paid, and under which claims for loss or damage shall be entertained.

(7) The period within which claims for compensation for letters, parcels and packets and insured letters, parcels and packets may be entertained.

3. Nothing contained in or done under, or in pursuance of this Act, shall render the Postmaster-General either in his personal or in his official capacity, or the Colonial Government, liable to any action or other legal proceedings whatsoever in respect or in consequence of any loss of or damage to any letter, parcel or packet posted or received for transmission by post whether such loss or damage be occasioned by or arise from any act of neglect of any officer of the Post Office, or any other person, and the decision of the Postmaster-General on all questions arising between him and any person claiming payment in respect of the loss of or damage to any article enclosed in or forming part of any such letter, parcel or packet shall be final and conclusive.

4. It shall be lawful for the Governor, if he shall deem it expedient so to do, to make arrangements or conventions for extending to the United Kingdom, or any British possession or Foreign Country, the system of insurance and compensation provided by this Act.

5. So soon as any such arrangement or postal convention shall have been made under the authority of this Act, the Governor may from time to time issue a Proclamation defining a time for such arrangement or convention to come into operation, and from and after such time the provisions therein as to any payments, insurance, or compensation thereunder, and the regulations therein set forth shall be observed and have force of law.

6. Copies of all arrangements or conventions made between the Government of this Colony and the Postmaster-General of the United Kingdom, or the proper authorities of any British possession or foreign country, and copies of all regulations or orders made by the Governor under the provisions of this Act, shall from time to time be laid before both Houses of Parliament within thirty days after the making thereof, respectively, if Parliament be in Session, and if Parliament be not then in Session, within thirty days after the commencement of the next Session.

7. Nothing in this Act contained shall be taken or deemed in any way to affect, impair or weaken the provisions of Section forty-nine of the "Post Office Act 1882".

8. This Act may be cited for all purposes as the "Post Office Act Amendment Act, 1902".

S C H E D U L E B.

COMPENSATION FOR LOSS OF INLAND REGISTERED PACKETS OR THEIR CONTENTS.

1. The Postmaster-General may (not in consequence of any legal liability, but voluntarily, and as an act of grace) subject to the conditions hereinafter mentioned, give compensation up to a maximum limit of £5 for the loss while in the custody of the Post Office of any Inland Registered Packet, or the whole or any portion of the contents thereof, which has been duly admitted for transmission by registered post within the Bechuanaland Protectorate or between the Bechuanaland Protectorate and either the Cape Colony or the Orange River Colony , and upon which a registration fee of 4d. has been paid, in addition to the ordinary postage.

CONDITIONS REGULATING COMPENSATION

11. No compensation for loss shall be given in respect of:-

1. A packet which has been posted unregistered, and has been subjected to compulsory registration by the Post Office, or a packet which has not been duly registered by the sender at the time of posting.

2. A packet containing any article which may not be lawfully sent by post

3. Money, whether coin or paper, unless sent by letter post, and then only on the following conditions being complied with :-

(a) That the Money be enclosed in a registered envelope provided by the Postmaster-General. (see also paragraph III).

(b) That any coins enclosed in the letter be packed in such a way as to move about as little as possible.

(c) That the number, amount, bank of issue, and (where necessary) the date of any bank note enclosed be supplied to the Postmaster-General when required.

(d) That the amount, number, and date of issue of any Postal Note enclosed be supplied to the Postmaster General when required.

(e) That particulars sufficient to identify the document be supplied to the Postmaster-General in the case of any Bill of Exchange, bond, coupon, or other order or authority for the payment of money or security for money enclosed in the letter.

III. The compensation given in respect of the loss of coin shall not in the case of any letter exceed the sum of £2, whatever be the amount of coin contained in such letter.

IV. In every case it must appear that the loss did not arise wholly or in part by the fault of the sender,

and

and that it occurred while the packet was in the post.

V. The compensation given shall in no case exceed the value of the packet or article lost.

VI. The Postmaster-General may in every or any case, if he thinks fit, reinstate the contents of a packet, instead of giving pecuniary compensation for loss.

VII Where compensation is given for the loss of a packet, or of any article contained in a packet, the Postmaster General may retain and dispose, as he thinks fit, of any packet or missing article, in case it should subsequently come into his hands.

VIII. In no case shall the Postmaster-General give compensation for injury or damage consequent upon the loss of or delay to a packet or any article contained therein.

IX. Without prejudice to any of the preceding rules, the Postmaster-General may, if he thinks fit, refuse to give compensation for loss on any ground on which a common carrier might in like case claim exemption from legal liability. The decision of the Postmaster-General upon all questions of compensation shall be final.

MANNER OF CLAIMING COMPENSATION

X. Every application for compensation

(a) Should be made by letter, addressed to the Secretary, General Post Office, Cape Town and

(b) Should be made within thirty-one days after the date upon which the packet was posted.

XI.

XI. The registration receipt must be produced by the applicant when required.

XII. Where the application relates to the loss of any article contained in a packet, the packet should be retained for inspection as nearly as possible in the state in which it was delivered.

XIII. When the claim is in respect of a packet, the contents of which are alleged to have been abstracted, the envelope or cover must accompany the application.

XIV. Where a packet when delivered bears signs of injury, the recipient should call attention to the fact of such injury at the time of delivery, and, if possible, open the packet in the presence of an officer of the Post Office.

XV. Under no circumstances shall an application for compensation be entertained if made after the expiration of one year from the date of posting of the registered packet.

XVI. In these regulations the term "packet" means any letter, post card or other article transmissible by registered post under the regulations in force for the time being.

33 of 1907

C. O.
41128
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23 NOV 07

SANCTIONED

P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the Proclamation of the High Commissioner for South Africa dated the fifteenth day of November 1893 relating to the granting of permits authorising the purchase or receipt by natives of ammunition in the Bechuanaland Protectorate (hereinafter referred to as the said Proclamation)

NOW therefore under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:-

1. Sections four, six, nine, ten and twelve of the said Proclamation shall be and are hereby amended by the deletion therefrom of the term "Resident Commissioner" wherever the same occurs in the said sections.

2. Section ten of the said Proclamation shall be and is hereby further amended by the insertion therein after the words "sales or supplies of ammunition to natives by him" of the words "during the last preceding month".

3. Section twelve of the said Proclamation shall be and is hereby further amended by the addition at the end thereof of the following paragraph:

"(i) Neglecting or failing to deliver or cause to be delivered within the first fourteen days of any month

month to the Assistant Commissioner or Magistrate having jurisdiction over the place where such licensed dealer shall reside a return or account as mentioned in section ten hereof of the sales or supplies of ammunition to natives by him during the last preceding month".

4. The Resident Commissioner may from time to time authorise in writing any person approved by him to do all acts or things which a Magistrate is by the said Proclamation empowered to do and may from time to time withdraw such authority and any person so authorised shall while such authority continues be deemed to be a Magistrate for all the purposes of the said Proclamation.

5. This Proclamation shall be read as one with the said Proclamation and shall have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING !

Given under my hand and seal at Bulawayo this 21st day of October One thousand nine hundred and seven.

Selborne

High Commissioner

C. O.
41128
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Rec'd 23 NOV 07

High Commissioner

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 34 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS the Order made by Her late Majesty in Council on the seventh day of September 1838 known as the Marriage Order in Council of the said date is in operation in Basutoland;

And whereas it is expedient to make further provision requiring Ministers and Marriage Officers to transmit to the Resident Commissioner the duplicate original registers of marriages specified in section *twenty-one* of the said Order in Council and to provide penalties for any failure to comply with such requirement;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Every Minister or Marriage Officer who shall solemnise a marriage in Basutoland shall transmit to the Resident Commissioner within one calendar month of the date of such marriage the duplicate original register of such marriage required to be made under section *twenty-one* of the said Order in Council.

2. Any Minister or Marriage Officer who shall without reasonable cause or excuse fail or neglect to transmit any such duplicate original register as hereby required shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

3. This Proclamation shall have force and take effect from the fifteenth day of February 1908.

God Save the King.

Given under my Hand and Seal at Pretoria this Fourth day of November One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 35 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS by an Order of Her late Majesty in Council dated the second day of February 1884 it was provided that all laws in force in Basutoland at the time when such order should take effect should continue in force therein:

And whereas certain laws of the Colony of the Cape of Good Hope which conferred and imposed certain rights powers and duties upon the Master of the Supreme Court of the said Colony were among the laws which continued in operation under the Order in Council aforesaid:

And whereas such rights powers and duties have heretofore been exercised and performed in Basutoland by the Resident Commissioner by virtue of the authority committed to him:

And whereas it is expedient to provide for the appointment of an officer for Basutoland to be styled the "Master of Court" and to confer and impose such rights powers and duties in respect of Basutoland upon such officer:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. The High Commissioner may from time to time appoint an officer for Basutoland to be styled the "Master of Court" and all and singular the rights powers and duties conferred or imposed by any law of the Colony of the Cape of Good Hope which is in force in Basutoland on the Master of the Supreme Court of the said Colony shall in respect of the operation of such law in Basutoland be conferred and imposed upon the Master of Court so appointed.

2. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

God Save the King.

Given under my Hand and Seal at Pretoria this Fourth day of November One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

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36 of 1907.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend certain provisions of the Swaziland Administration Proclamation 1907 (hereinafter referred to as'the principal law'):

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything contained in sub-section (1) (b) of section fourteen of the principal law it shall be lawful for the Court of Resident Commissioner at any time when the Special Court of Swaziland is not sitting to grant orders for arrests and interdicts of persons and things in respect of any claim debt or matter in dispute which is within the jurisdiction of the said Special Court whether an action in respect thereof is pending in the said Special Court or not but any such order may be set aside by the said Special Court. The Clerk of the Court of Resident Commissioner shall in every such case forthwith transmit duly certified copies of such order and of the documents whereon the same has been granted to the person acting as the Registrar of the said

- Special -

Special Court. Such copies shall be supplied to the Clerk of the Court by the applicant or his agent who has obtained such order.

2. Notwithstanding anything contained in sub-section (1) (c) of section fourteen of the principal law the Court of Resident Commissioner may exercise jurisdiction as a court of first instance in a civil case which a court of Assistant Commissioner has jurisdiction to try under any of the following circumstances, namely:-

(a) if the plaintiff in such case resides in a district other than that in which the defendant resides and no part of the cause of action arose in such last mentioned district;

(b) if the claim or demand in such case is founded upon any notarial or other mortgage bond or bill of exchange or promissory note or other liquid document of which the lawful holder for valuable consideration does not reside in the same district with the defendant;

(c) if the action is brought against any officer of a Court of Assistant Commissioner for or on account of anything relating to his conduct in his office.

The term 'district' shall for the purposes of this section mean an area defined under section eleven of the principal law as the area within which any Court of Assistant Commissioner shall have and exercise jurisdiction.

3. This Proclamation shall be read as one with the principal law, and shall have force and take effect from

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the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Pretoria this 4th day of November one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 37 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner for South Africa.

WHEREAS it is necessary to correct certain errors in the Proclamation No. 16 of 1907 consolidating and amending the law which is in force in Basutoland relating to stamp duties and fees on documents payable by means of stamps;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *two* of the Proclamation No. 16 of 1907 shall be and is hereby amended by the insertion of the word "or" between the word "fixed" and the word "determinable" in the definition of "Bill of Exchange" occurring in the said Section and the Schedule to the aforesaid Proclamation shall be and is hereby amended by the substitution under the heading "Bills of Exchange" of the words "upon every cheque upon a bank" for the words "upon every cheque upon a hank."

God Save the King.

Given under my Hand and Seal at Pretoria this Ninth day of November One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

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No. 38 of 1907.

SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS by Proclamation No. 2 (Swaziland) 1906 it was provided that the Game Preservation Ordinance 1905 of the Transvaal should be deemed to be law within the territory of Swaziland from the 6th day of April, 1906:

AND WHEREAS it is expedient to repeal Section 13 of the said Ordinance for the purpose of its application to Swaziland and to make other provisions for restricting the exportation from Swaziland of Ostriches and Ostrich Eggs.

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906, I do hereby declare, proclaim and make known as follows:-

1. Section 13 of the Game Preservation Ordinance 1905 of the Transvaal shall be and is hereby repealed for the purpose of the application of the said Ordinance to Swaziland together with so much of paragraph (f) of sub-section (1) of section four of the said Ordinance as refers to regulations prescribing the manner of payment of export duty on Ostriches and Ostrich Eggs payable under the said section 13.

2. (1) On and after the date of the taking effect of this Proclamation it shall not be lawful to export from Swaziland save as is in this section provided any Ostrich or Ostrich Egg.

(2) Nothing in this section contained shall apply to the export of any Ostrich or Ostrich Egg from Swaziland to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the Gazette that there is a law in force in such Colony or Territory prohibiting under penalties equal to the penalties hereinafter mentioned the exportation therefrom of Ostriches or Ostrich Eggs except to a Colony or Territory in South Africa which is in like manner exempted from the prohibition contained in such law.

3. Any person who shall contravene the provisions of this Proclamation shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

4. This Proclamation shall have force and take effect from the first day of December 1907.

GOD SAVE THE KING.

Given under my hand and seal at Johannesburg

this

this twentieth day of November, One thousand nine hundred and seven.

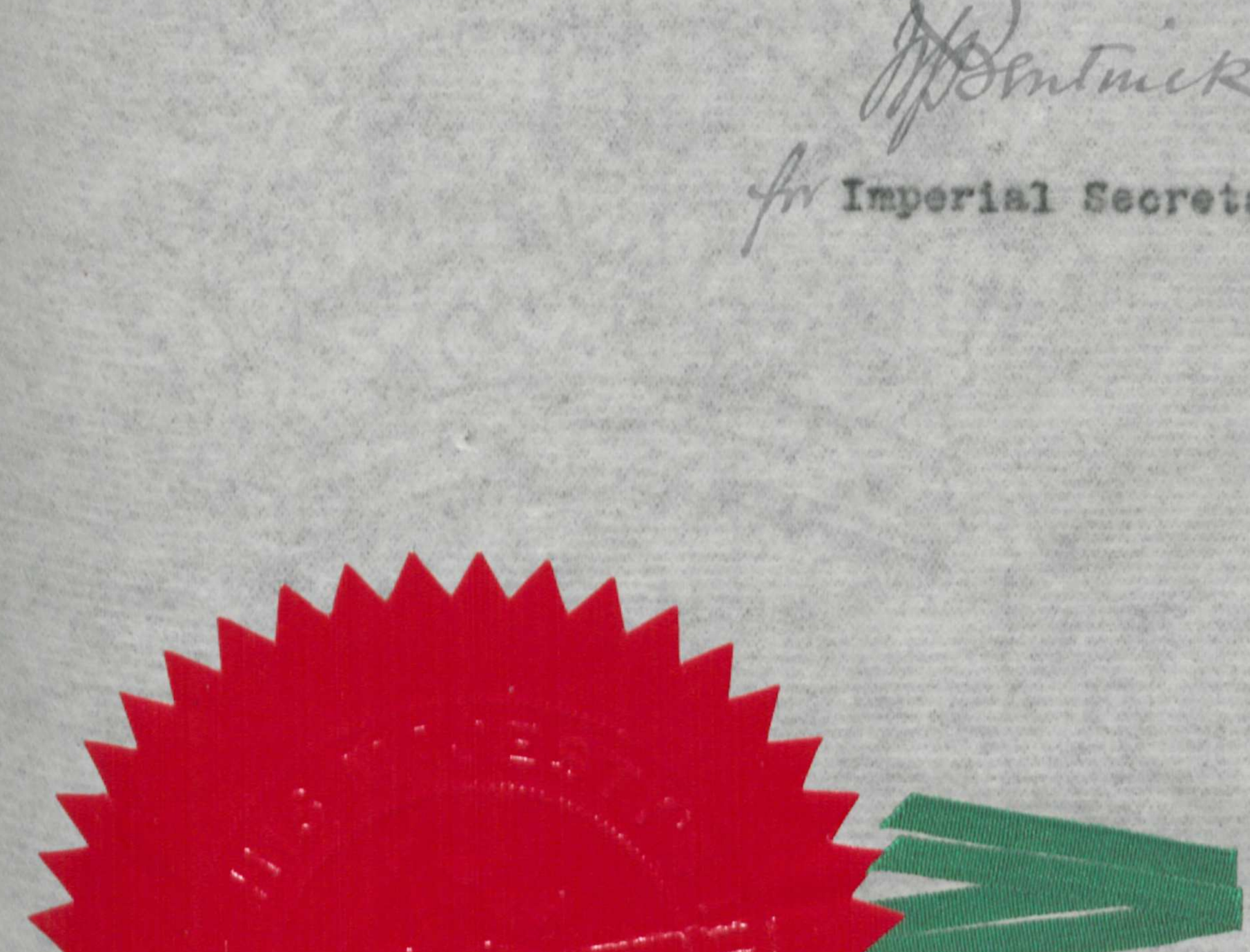
Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Bentinck

for Imperial Secretary.



SANCTIONED

C.O
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No. 39 of 1907.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS it is expedient to restrict the exportation from the territory of the Bechuanaland Protectorate of Ostriches and Ostrich Eggs:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The provisions of Act No. 24 of 1884 of the Colony of the Cape of Good Hope entitled the " Ostrich Export Duty Act 1884 " shall cease to be in force and to have effect within the limits of the Bechuanaland Protectorate.

2. (1) On and after the date of the taking effect of this proclamation it shall not be lawful to export from Bechuanaland Protectorate save as is in this section provided any Ostrich or Ostrich Egg.

(2) Nothing in this section contained shall apply to the export of any Ostrich or Ostrich Egg from Bechuanaland Protectorate to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the Gazette that there is a law in force in such Colony or Territory prohibiting under penalties equal to

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the penalties hereinafter mentioned the exportation therefrom of Ostriches or Ostrich Eggs except to a Colony or Territory in South Africa which is in like manner exempted from the prohibition contained in such law.

3. Any person who shall contravene the provisions of this Proclamation shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

4. This Proclamation shall have force and take effect from the first day of December 1907.

GOD SAVE THE KING.

Given under my hand and seal at Johannesburg this thirtieth day of November, One thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 40 of 1907.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to restrict the exportation from the territory of Basutoland of ostriches and ostrich eggs;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. (1) On and after the date of the taking effect of this Proclamation it shall not be lawful to export from Basutoland save as is in this section provided any ostrich or ostrich egg;

(2) Nothing in this section contained shall apply to the export of any ostrich or ostrich egg from Basutoland to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the *Gazette* that there is a law in force in such Colony or Territory prohibiting under penalties equal to the penalties hereinafter mentioned the exportation therefrom of ostriches or ostrich eggs except to a Colony or Territory in South Africa which is in like manner exempted from the prohibition contained in such law.

2. Any person who shall contravene the provisions of this Proclamation shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

3. This Proclamation shall have force and take effect from the first day of December 1907.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twentieth day of November One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

41 of 1907.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the provisions of the law relating to the collection of hut-tax in the Bechuanaland Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Sections five and seven of Proclamation No.10 of 1899 shall be and are hereby repealed.

2. A receipt in such form as the Resident Commissioner may from time to time approve for the amount of hut-tax paid by any native shall be given to such native in acknowledgment of the payment made by him and any receipt so given shall be kept by such native and produced for inspection on demand made by any person appointed to collect the said tax or by any police officer.

3. Any person forging or defacing any such receipt as aforesaid and any native using or attempting to use for the purpose of evading payment of hut-tax any forged

- receipt -

receipt or any receipt given in acknowledgment of the payment of hut-tax made by any other native shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding one year.

4. Section eight of Proclamation No.10 of 1899 shall be and is hereby amended -

(1) by the deletion of the words "the metal receipt tokens aforementioned" and the substitution therefor of the words "books containing the forms of receipt approved by the Resident Commissioner";

(2) by the deletion of the words "the said tokens" wherever the same occur in the said section and the substitution therefor of the words "the said receipt forms".

5. Section two of Proclamation No.6 of 1900 shall be and is hereby amended by the deletion therefrom of the proviso at the end thereof.

6. Any native who shall refuse or wilfully neglect to make payment of the hut-tax due by him within three months after the same shall have become due and payable shall be liable upon conviction to a fine not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

7. This Proclamation shall be read as one with Proclamation No.10 of 1899 Proclamation No.6 of 1900 as amended by Proclamation No.17 of 1904 and Proclamation No.1 of 1907 and shall have force and take effect from the first day of April 1908.

GOD SAVE THE KING!

GIVEN under my hand and seal at Pretoria this 29th day of October one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Deutsch

for Imperial Secretary.

No.42 of 1907.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

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WHEREAS it is expedient that Part I of the Police Offences Act No.27 of 1882 of the Colony of the Cape of Good Hope should be declared to be in operation at Lobatsi within the Bechuanaland Protectorate:

NOW THEREFORE by virtue of the powers in me vested I do hereby proclaim, declare and make known as follows:-

1. From and after the date on which this Proclamation shall take effect the provisions of Part I of the Police Offences Act No.27 of 1882 of the Colony of the Cape of Good Hope shall be in operation within the following limits:- A circle having a radius of one mile the centre of which is the Railway

- Station -

Station at Lobatsi in the Bechuanaland Protectorate.

2. This Proclamation shall take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my hand and seal at Johannesburg this 4th day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J.J. Bentinck

for Imperial Secretary.

No. 43 of 1907.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the Basutoland Native Labour Proclamation 1907 regulating the recruitment of native labourers within the territory of Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

Amendment of Section 5 of the Basutoland Native Labour Proclamation 1907.

1. Section *five* of the Basutoland Native Labour Proclamation 1907 shall be and is hereby amended by inserting after the words "a permit" in line *nine* thereof the words "for each runner or messenger" and by adding at the end of the said section the following words:—"The Resident Commissioner or other authorised officer may at any time cancel any permit issued under the provisions of this section if the runner or messenger referred to in such permit shall in the opinion of the Resident Commissioner or other authorised officer have been guilty of misconduct rendering it undesirable that he should continue to be employed as a runner or messenger or if for any other reason the Resident Commissioner or other authorised officer shall so think fit and any permit so cancelled shall be forthwith delivered up to the officer demanding the same".

Amendment of Section 8 of the Basutoland Native Labour Proclamation 1907.

2. Section *eight* of the said Proclamation shall be and is hereby amended by inserting after the words "a statement" in line *three* thereof the words "in writing signed by the proposed employer".

Title and date of taking effect.

3. This Proclamation may be cited for all purposes as "The Basutoland Native Labour Amendment Proclamation 1907" and shall be read as one with the Basutoland Native Labour Proclamation 1907 and shall take force and have effect as from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Fourth day of December One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 44 of 1907

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS under and by virtue of the Swaziland Administration Proclamation 1907 the Game Preservation Ordinance 1905 of the Transvaal is in force in the territory of Swaziland:

AND WHEREAS by section three of the said Game Preservation Ordinance 1905 power is given to define reserves within which it shall not be lawful to hunt game without the special permission in writing of the Colonial Secretary:

1. NOW THEREFORE under and by virtue of the powers in me vested by the said section three of the Game Preservation Ordinance 1905 and by sub-section (2) of section two of the Swaziland Administration Proclamation 1907 I do hereby declare proclaim and make known that the following portions of the territory of Swaziland shall be reserves within the meaning of the said Ordinance (that is to say)

(a) All that portion of the Hlatikulu District bounded on the North by the Usutu River on the West by Rathbone's road on the South by the Transvaal border and on the East by the Natal border.

(b) All that portion of land included within the following boundaries namely a line drawn from a point

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on the Swaziland-Portuguese boundary running due West through Rock Picket on the Lebombo Mountains to the Mkumbana River down the Mkumbana River to its junction with the Mbulusi River down the Mbulusi River to where it cuts the Swaziland-Portuguese boundary and thence South along such boundary to the first mentioned point.

2 This Proclamation shall have force and take effect from the date of its publication in the official Gazette of the High Commissioner.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this 17th day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

C. O.
2113
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No. 45. of 1899

SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the existing law regulating the recruitment of native labourers within the territory of the Bechuanaland Protectorate (hereinafter referred to as "the Territory");

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Proclamation No.6 of 1899 shall be and is hereby repealed provided however that such repeal shall be without prejudice to any act done or penalty imposed under the said Proclamation and shall not affect any proceeding pending under the said Proclamation at the date when this Proclamation takes effect or any penalty which under the said Proclamation may be imposed in such proceeding and any license duly granted under the said Proclamation shall remain of full force and effect for the period for which it was issued unless the same shall be cancelled under the provisions of section eleven of this Proclamation.

2. For the purpose of this Proclamation the term "Labour Agent" shall mean any person who shall himself or through runners or messengers in his own name or otherwise

- procure -

procure or attempt to procure seek for or engage conduct take charge of supply or undertake to supply natives to be employed in work or labour of any kind beyond the borders of the Territory; provided that the term "Labour Agent" shall not include natives employed by a licensed Labour Agent under the authority of such a permit as is hereinafter mentioned as runners or messengers.

3. No person shall act as a Labour Agent within the Territory unless he is the holder of a current license for that purpose issued to him by the Resident Commissioner or by some officer duly authorised by the Resident Commissioner to issue such licenses. Such licenses shall be in such form as the Resident Commissioner may from time to time prescribe and shall not be transferable. Every such license shall be for a period not exceeding one year and shall expire on the thirty-first day of December in the year for which it is granted and the amount payable for every such license shall be the sum of fifteen pounds sterling; provided that for licenses issued after the first day of July in any year one-half only of such amount shall be payable.

4. Every Labour Agent's license shall be issued subject to such limitations and qualifications whether in respect of the local limits within which recruiting may be carried on the number of native labourers to be recruited or otherwise as shall appear on the face of such license and a licensed Labour Agent shall not act as a Labour Agent otherwise than in the manner authorised by his license and in accordance with the limitations thereby imposed.

5. Every licensed Labour Agent may employ one or more natives as runners or messengers to procure ply or seek for engage or collect on his behalf native labourers to be employed or engaged in work or labour of any kind beyond the borders of the Territory. No such runner or messenger shall be employed unless such Labour Agent has in writing made application for and has obtained from the Resident Commissioner or other authorised officer a permit for each runner or messenger authorising such employment. The amount payable for such permit shall be twenty shillings for each year or portion of a year ending on the thirty-first day of December; provided that for permits issued after the first day of July in any year one-half only of such amount shall be payable; provided further that any such permit shall only authorise the employment of such runner or messenger so long as the license held by the Labour Agent at whose request such permit is issued is in force or until such Labout Agent shall during the currency of his license deliver such permit to the Resident Commissioner or other authorised officer who issued it together with an application in writing for its cancellation. The Resident Commissioner or other authorised officer may at any time cancel any permit issued under the provisions of this section if the runner or messenger referred to in such permit shall in the opinion of the Resident Commissioner or other authorised officer have been guilty of misconduct rendering it undesirable that he should continue to be employed as a runner or messenger or if for any other reason the Resident

Commissioner or other authorised officer shall so think fit and any permit so cancelled shall be forthwith delivered up to the officer demanding the same.

6. Any person procuring plying or seeking for engaging or collecting native labourers to be employed in work or labour of any kind within the borders of the Territory on behalf of any Labour Agent without being authorised so to act by such a permit as is in the last preceding section mentioned shall for the purpose of this Proclamation be deemed and taken to be exercising the calling of a Labour Agent as described in section two of this Proclamation.

7. For the purpose of this Proclamation any representations made or any act or thing done in connection with the procuring plying or seeking for engaging or collecting of native labourers to be employed in any kind of labour or work beyond the borders of the Territory by any runner or messenger whose employment is authorised by such a permit as is in section five of this Proclamation mentioned shall be deemed and taken to have been made or done by the Labour Agent at whose request such permit was issued to such runner or messenger and such Labour Agent shall be liable to any penalty provided by this Proclamation in respect of the making of any such representation or the doing of any such act or thing; provided always that any permit authorising his employment as runner or messenger shall upon conviction of such Labour Agent ipso facto become void and shall be delivered up for cancellation.

8. Every application for a Labour Agent's license or for the renewal thereof must be accompanied by a statement in writing signed by the proposed employer giving the following particulars:-

(a) the name and address of the employer or employers for whom it is proposed to procure native labourers;

(b) the nature of the proposed employment;

(c) the rate of wages at which the native labourers are to be engaged;

(d) any further particulars as to the proposed terms of service which the officer issuing the license may demand.

9. No licensed Labour Agent shall attempt to procure native labourers within any district of the Territory until he has deposited with the Assistant Commissioner of such district a copy of the statement upon which his license was granted or renewed.

10. The issue or renewal of any license may be refused by the Resident Commissioner or any officer authorised to issue licenses without any reason being given for such refusal.

11. It shall be lawful for the Resident Commissioner to cancel any Labour Agent's license issued under this Proclamation or under Proclamation No.6 of 1899 if it is proved to his satisfaction that the person holding such license has

(a) failed to deposit one hundred pounds or find other security when called upon to do so under the pre-

-visions -

provisions of sections fourteen and fifteen of this Proclamation or to keep the same up to the full value in accordance with the provisions of section fifteen of this Proclamation; or

(b) been guilty of any misconduct which in the opinion of the Resident Commissioner renders it undesirable that he should be allowed to continue to carry on the calling of a Labour Agent under the provisions of this Proclamation;

providing always that such cancellation shall not take effect until the same shall have been notified either to the Labour Agent himself personally or by the exhibition of a notice thereof publicly at the Resident Commissioner's Office during seven consecutive days.

12. Any person holding a Labour Agent's license which shall have been cancelled under the last preceding section shall upon demand of the Resident Commissioner or of any Assistant Commissioner or Police Officer deliver up such license together with any permits for runners or messengers still in force which may have been issued on his application to the officer demanding the same.

13. It shall be lawful for any Assistant Commissioner or police officer or any other person authorised thereto in writing by the Resident Commissioner at any time to demand the production by any person exercising the calling of a Labour Agent or of a runner or messenger employed by a licensed Labour Agent of his license or permit as the case may be and every such person shall upon

- such -

such demand produce such license or permit for the inspection of the officer demanding the same.

14. Every Labour Agent upon first obtaining a license under this Proclamation shall either deposit with the Resident Commissioner or other authorised officer issuing the same the sum of one hundred pounds sterling or find security to the like amount to the satisfaction of the Resident Commissioner or other authorised officer and shall also fix a domicilium citandi et executandi within the Territory where all civil process in respect of any breach of contract or recovery of wages may be served.

15. Such deposit or other security shall remain and be kept up to full value of one hundred pounds as long as the said Labour Agent remains licensed as hereinbefore provided but it shall be lawful for the Resident Commissioner or other authorised officer to call upon such Agent when renewing his license or at any other time thereafter whilst the same is in force to find other security in place of that originally found by him or in default of so doing to deposit the sum of one hundred pounds.

16. In case of cancellation of a license as aforesaid or in case the same shall not be renewed but shall be returned the said deposit or other security shall three months after the cancellation or the return of such license on application be delivered back by the Resident Commissioner or other authorised officer.

17. If any native who has been induced to enter into an agreement with a Labour Agent for service shall sue

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such Agent or his employers in any competent Court within the Territory and shall recover any sum by way of damages or costs or if any Labour Agent shall fail to pay or satisfy any fine imposed upon him under the provisions of this Proclamation the said deposit or other security or such portion thereof as may be sufficient shall be applied in satisfaction of the judgment of such Court or such fine and thereupon such Agent shall renew the said deposit or other security so that the same shall be kept up to the full value thereof as provided in section fifteen of this Proclamation.

18. No person shall by any representation as to terms or conditions of employment which he knows to be false nor by any promise as to terms or conditions of employment which he knows himself to be unable to fulfil or has no intention of fulfilling induce or attempt to induce any native to leave the Territory or to engage himself to work or labour without the Territory.

19. No person shall directly or indirectly either by himself or by an Agent by any means cause induce or persuade or attempt to cause induce or persuade any native servant to leave his employer's service in violation of any agreement of service.

20. It shall be lawful for any officer authorised to issue Labour Agents' licenses and permits for runners or messengers to issue a license and permits without the payment of any fees to any Labour Agent who may be employed to recruit native labourers exclusively for the

service of the Government of any British Colony or Territory in South Africa or of the Inter-Colonial Council of the Transvaal and Orange River Colony and the services controlled thereby but any such Labour Agent shall in all other respects be subject to the provisions of this Proclamation.

21. No Concession or contract by which any native chief or headman purports to bind himself or his people to provide native labourers shall be valid; and no contract entered into in the Territory between a native and a Labour Agent by which such native purports to bind himself to leave the Territory or to work or labour without the Territory shall be valid unless such Labour Agent is at the date when such contract is entered into the holder of a current Labour Agent's license lawfully issued.

22. Any person contravening sections <u>three</u> <u>four</u> <u>nine</u> <u>twelve</u> or <u>eighteen</u> of this Proclamation shall upon conviction be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such imprisonment and such fine; and any person contravening section <u>thirteen</u> or <u>nineteen</u> of this Proclamation shall upon conviction be liable to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

23. This Proclamation may be cited as the Bechuana-land Protectorate Native Labour Proclamation 1907 and

- shall -

shall take effect on the first day of January, 1908.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 19th day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Deutsch

for Imperial Secretary.

No. 46 of 1907.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS by the Order in Council of Her late Majesty dated the second day of February 1884 the High Commissioner is empowered to make laws for the peace order and good government of the territory of Basutoland hereinafter referred to as "the Territory":

And whereas it is expedient to make further provision for the peace order and good government of the Territory:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. The High Commissioner on its being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in the Territory is a danger to the peace order and good government thereof may instruct the Resident Commissioner to issue an order under his hand directing such person to leave the Territory within such time after service of the order on such person as may be specified therein and if on the expiration of such period and during the continuance of such order such person shall be found within the Territory he shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months and with or without a fine not exceeding one hundred pounds and in default of payment to a further term of imprisonment for a period not exceeding six months.

2. The High Commissioner may on its being shown to his satisfaction that there are reasonable grounds for believing that any person for the time being living in the Territory is dangerous to the peace order and good government thereof instruct the Resident Commissioner to issue an order under his hand directing any such person to confine himself within such limits of the Territory and for such period as may in such order be specified or during His Majesty's pleasure. If any such person shall neglect or refuse to comply with the terms of any such order or shall during the period therein mentioned and during its continuance depart from the limits therein specified without the written permission of the High Commissioner or the Resident Commissioner or shall while within such limits do any further act which is a danger to the peace order and good government of the Territory he shall be guilty of an offence and shall be liable on conviction to the penalties mentioned in section *two* hereof.

3. The High Commissioner may instruct the Resident Commissioner to issue an order for the apprehension and removal from the Territory to any place without its limits of any person whom he has reasonable grounds for believing to be a danger to the peace order and good government thereof and whether or not an order shall have been issued under sections *two* or *three* of this Proclamation in respect of such person; provided that no person shall be removed from the Territory under the powers of this section unless or until there shall be provision in the territory to which he is to be removed and in the territory through which he may pass in course of removal for his detention in lawful custody therein. Any such person aforesaid who shall be found within the Territory without the written permission of the High Commissioner or Resident Commissioner after having been removed therefrom shall be liable on conviction to the penalties mentioned in section *two* hereof and at the expiration of any term of imprisonment imposed on such conviction to be again removed from the Territory in manner aforesaid.

4. Any order issued under the provisions of this Proclamation may be revoked renewed or varied as to the terms thereof from time to time.

5. It shall be lawful for any police constable or officer to arrest without warrant any person in respect of whom an order has been issued under this Proclamation if he shall be reasonably suspected of acting in contravention of such order or who is found within the Territory after having been removed therefrom under the powers of section *four* without the written permission of the High Commissioner or the Resident Commissioner.

6. Any person aiding or attempting to aid any person to do any act which shall amount to a contravention of this Proclamation or shall aid or attempt to aid in the escape from custody or confinement of any person subjected thereto under this Proclamation shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding two years.

7. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twenty-first day of December One thousand Nine hundred and Seven.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 2 of 1908.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is necessary to correct certain errors in Proclamation No. 46 of 1907 providing for the expulsion of persons from Basutoland who are a source of danger to the peace order and good government of that territory;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *two* shall be and is hereby amended by the substitution of the word "*one*" for the word "*two*" in the last line of the said section; section *three* shall be and is hereby amended by the substitution of the words "*one* or *two*" for the words "*two* or *three*" in the seventh line and by the substitution of the word "*one*" for the word "*two*" where the latter appears for the second time in the said section; and section *five* shall be and is hereby amended by the substitution of the word "*three*" for the word "*four*" in the said section.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Fourteenth day of January One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

17 of 1907.

C. O.
2109
RECD
RECD 18 JAN 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS by the Swaziland Order in Council 1903 and the Swaziland Order in Council 1906 the High Commissioner is empowered from time to time to provide by Proclamation for the raising of revenue and generally for the peace order and good government of Swaziland and all persons therein;

AND WHEREAS under and by virtue of section two of the Swaziland Administration Proclamation 1907 Law No. 17 of 1899 of the Transvaal as amended by the Licensing Law Amendment Ordinance 1902 is a law in force in Swaziland:

AND WHEREAS it is expedient to amend the said Law No.17 of 1899 as amended by the said Licensing Law Amendment Ordinance 1902 with respect to the licenses to be taken by companies carrying on banking business in Swaziland;

NOW THEREFORE under and by virtue of the powers authorities and jurisdictions conferred upon and committed to me by His Majesty as aforesaid I do hereby declare proclaim and make known as follows:-

Amendment of Sec.2 of the Licensing Law Amendment Ordinance 1902.

1. Sub-sections one two three and four of section two of the Licensing Law Amendment Ordinance 1902 shall be and are hereby repealed as regards Swaziland and the following sub-sections substituted therefor: -

(1) "Every Company carrying on banking business "within the territory of Swaziland shall take out "a yearly license in respect of each branch office "of such Company in Swaziland which shall authorise "the carrying on of such business at each such "branch office.

(2) "The amounts payable in respect of such licenses "shall be as follows:- for the first or only branch "office of such Company the sum of £50 and for each "and every other branch office the sum of £25.

(3) "Every such license shall be taken out at the "office of the Resident Commissioner".

Date of taking effect and taking out of first licenses.

2. This Proclamation shall have force and take effect as from the date of its publication in the Gazette and the first licenses under this Proclamation and the amounts payable thereon shall be taken out and paid respectively within one month of the date of taking effect of this Proclamation and shall authorise the carrying on of business for the year running from the 1st of April 1907 to the 1st of April 1908.

Short title.

3. This Proclamation may be cited for all purposes as the Swaziland Licensing Law Amendment Proclamation 1907.

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GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg

this 24th day of December one thousand

nine hundred and seven



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

A. L. Shutnick

for Imperial Secretary.

No. 48 of 1907

No. 48 of 1907.

SANCTIONED

C. O.
2093
Recd
Regd 18 JAN 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the establishment and proclamation of public roads and ways or roads of necessity in the Bechuanaland Protectorate for the closing and diversion thereof, and for the fencing of lands through which such roads may pass and to define the proper width of public roads:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby proclaim and make known as follows:-

Establishment of public roads.

1. It shall be lawful for the Resident Commissioner from time to time and at any time to establish and proclaim public roads on to or over any land situated within the Bechuanaland Protectorate by notice published in three successive issues of the Gazette. Such notice shall define the general course situation and width of the road or roads included therein either by reference to an existing road or roads or in the case of a new road by describing in general terms the course thereof. Any such notice may be from time to time revoked altered or varied as the Resident Commissioner shall think fit.

Compensation payable if improved land damaged.

2. If any road established and proclaimed by the Resident Commissioner under the provisions of this Proclamation shall pass over any land improved by cultivation irrigation or otherwise and shall cause any actual damage thereto compensation shall be payable to the person or persons suffering such damage the amount thereof to be determined by the Resident Commissioner in his sole discretion.

Ways of necessity.

3. If at any time it shall be made to appear to the Resident Commissioner upon the petition of any adjacent or neighbouring owner or occupier that such owner or occupier requires a way or road of necessity on to or over any land situated in the Bechuanaland Protectorate it shall be lawful for the said Resident Commissioner by notice to be published in the Gazette to grant such way or road of necessity and to determine the direction and width thereof; provided that compensation for the right of way and any damage done shall be paid by the person or persons for whose benefit and upon whose application the said road is made, the amount thereof to be determined by the Resident Commissioner in his sole discretion.

Closing and diverting of public roads by Resident Commissioner.

4. It shall be lawful for the Resident Commissioner from time to time by notice to be published twice in the Gazette to declare that any road or part of any road shall cease to be a public road and such road or part of a road as the case may be shall thereupon cease to be such road accordingly; or to declare that any public road shall be diverted or closed at such time as shall be specified in

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that behalf in any such notice and such road shall thereupon be so diverted or closed as the case may be accordingly; provided that the right of the public to travel along any public road or part thereof which has ceased to be such road shall continue unless and until such road or part thereof shall have been diverted or closed.

Closing and diverting of public roads on application of owner affected.

5. The owner or owners of any land in the Bechuanaland Protectorate or any person authorised thereto by any such owner or owners may make application to the Resident Commissioner to declare that any public road which passes over the property of such owner or owners shall be closed or diverted notice of the intention to apply for the closing or diverting of any public road shall be posted for general information at some conspicuous place outside the office of the Assistant Commissioner of the District in which the property is situated and published in the Gazette once in each month for a period of three months and once a week during six weeks in some newspaper published within the District or if there be none such in some newspaper circulating within the District. Such notice shall in some part thereof clearly describe the road sought to be closed or diverted and the situation thereof and shall call upon any person objecting thereto to file his objection in writing at the office of the Resident Commissioner within one month after the date of latest publication of such notice in the Gazette. After the expiration of such period of one month the Resident Commissioner may close or divert such road in manner provided

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in the preceding section of this Proclamation with or without such modifications or alterations as he may think fit or may refuse such application.

Fencing of public roads.

6. Whenever the owner or occupier of any land over which a public road shall pass shall be desirous of fencing such land he shall be at liberty to do so if he provides a swing gate in such fencing so as to allow persons entitled to use such road free passage and such gate shall at all times be kept in proper repair by the owner or occupier of such land; provided that any gate placed across any public road which is not a swing gate substantially constructed and properly hung shall be deemed to be unlawfully so placed and the owner or occupier of the property whereon such gate is placed shall in every such case be liable to all such penalties and obligations as would be incurred by any person wilfully obstructing such public road as mentioned in section eleven hereof.

Penalties for unauthorised opening of gates and for damage done to same.

7. Any person not being such owner or occupier or not being thereto duly authorised by such owner or occupier who shall open or unfasten any gate erected or provided in pursuance of the provisions of the last section except for the purpose of then and there passing through the same with or without any vehicle or animals in his care or of enabling some other person or persons so to pass or who shall pass through any such gate and shall fail or neglect forthwith after so passing through the same to close and fasten such gate or cause it to be so closed and fastened shall upon conviction be liable to a penalty of not exceeding five pounds or in default of payment thereof to

- imprisonment -

imprisonment with or without hard labour for any term not exceeding thirty days unless such fine be sooner paid. And any person who shall damage or destroy such gate whether in passing through or otherwise shallforthwith make the same good and in case of failure or neglect shall upon conviction be liable to a penalty of not exceeding ten pounds or in default of payment thereof to imprisonment with or without hard labour for any term not exceeding two months unless such fine be sooner paid.

Width of public roads.

8. It shall also be lawful for the Resident Commissioner to notify by notice in three successive issues of the Gazette what shall be the width of every public road within the said Protectorate for the use of wheeled vehicles and also the width to be allowed on each side of such roads for the purpose of removing stock in cases where such roads are not enclosed; and for the purpose of this Proclamation every road over which a right of way shall exist in favour of some person or persons other than the owner or occupier of the land on which such road is situate shall be taken to be a public road.

Removal of encroachments on public roads.

9. Within a reasonable time after such notice shall have appeared in the Gazette the Assistant Commissioner of any District in the said Protectorate shall, if necessary remove or cause to be removed all fences or obstructions which shall in any way encroach upon the roads of which the width has been defined as hereinbefore provided for.

Penalties for encroachment on public road.

10. Any person who shall erect any fence or raise any obstruction which shall encroach upon the width of any road as defined under the provisions of this Proclamation

- shall-

shall be called upon immediately to remove the same, and in case of his neglect to do so such fence or other obstruction shall be removed by the Assistant Commissioner or any person duly authorised by him at the expense of such person.

Penalty for damage to public roads

11. If any person maliciously destroy or wilfully obstruct or in any way do damage to any public road he shall be liable upon conviction to a penalty not exceeding £3 or in default of payment thereof to imprisonment with or without hard labour for any term not exceeding thirty days for every such offence and shall also make full satisfaction for the damage that may have been done thereby.

12. This Proclamation may be cited for all purposes as the Public Roads Proclamation 1907 and shall have force and effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 21st day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

J. P. Bantinck

for Imperial Secretary.

No. 49 of 1907.

SANCTIONED

C. O.
2789
REC^D
REG^D 25 JAN 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS the disease known as Trypanosomiasis or Sleeping Sickness has been shewn to be endemic in certain parts of the Congo Free State and it is therefore expedient to restrict the removal of natives from the territory within the limits of the Barotziland-North-Western Rhodesia Order in Council of 1899 hereinafter referred to as "the Territory" to places within the said Congo Free State.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

1. All movements of natives from the Territory to any part of the Congo Free State are prohibited except under a Permit signed by a Magistrate Collector or Justice of the Peace.

2. Any person convicted of a contravention of the foregoing section of this Proclamation shall be liable to a fine not exceeding £5 or to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and imprisonment.

3. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my Hand and Seal at Johannesburg this 21st day of December one thousand nine hundred and seven.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Pentinck

for Imperial Secretary.

No. 50 of 1907

SANCTIONED

C. O.
2781
Recd
Regd 25 JAN 08

P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the High Commissioner's Proclamation of July 4th 1893 making provision for the establishment of the office of Registrar of Deeds for the Bechuanaland Protectorate with a view to the removal of such office from Vryburg in British Bechuanaland to Mafeking:—

NOW therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Amendment of S.2. of Proc: 4th July 1893.

(1) Section 2 of the High Commissioner's Proclamation of July 4th 1893 shall be and is hereby amended by deleting therefrom the words "for the time being filling the office of the Registrar of Deeds in the Territory of British Bechuanaland" and substituting therefor the words "appointed by the High Commissioner to the office of Registrar of Deeds for the Bechuanaland Protectorate".

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d date of
king effect.

(2) This Proclamation may be cited for all purposes as "The Deeds Office Amendment Proclamation 1907" and shall be read as one with the said Proclamation of July 4th 1893 and shall have force and take effect as from the 1st day of January 1908..

GOD SAVE THE KING!

Given under my hand and seal at Johannesburg this 24th day of December One thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

G. A. Rutnick

for Imperial Secretary.

No. 51 of 1907.

2110
Recd
Regd 18 JAN 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS by Proclamation No.26 of 1906 dated the fifth day of December 1906 certain rules and regulations were established concerning the granting of pensions and superannuation and other allowances to persons employed in the service of the Government of the Bechuanaland Protectorate:

AND WHEREAS it is expedient to make an addition to the offices named in the Schedule to the said Proclamation in accordance with the provisions of section two thereof:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

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The Schedule to the said Proclamation shall be and is hereby amended by the addition thereto of the following words -

"Any Medical Officer borne on the estimates "of the Bechuanaland Protectorate as an Officer of "the Police".

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 24th day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No 52 of 1907.

SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS by the Swaziland Administration Proclamation 1904 (in this Proclamation referred to as the Principal Law) provision was made amongst other things for the constitution of a Commission to deal in manner provided by such Proclamation with concessions or grants made by or on behalf of the King or Paramount Chief of Swaziland and confirmed by the Chief Court established in the said territory by the Organic Proclamation 1890:

AND WHEREAS the principal law was amended in certain respects by the Swaziland Concessions Partition Proclamation 1907:

AND WHEREAS doubts have arisen as to the competence of the Commission to settle certain questions that have arisen between the holders of such concessions or grants:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

Amendment of Sec.15 of the principal law.

1. Section fifteen of the principal law as amended by Section 14 of the Swaziland Concessions Partition

- Proclamation -

Proclamation 1907 shall be and is hereby further amended by the addition thereto of the following new sub-sections -

"(5) In any case where it shall appear to the Commis-
"sion that two or more concessions confirmed by the
"Chief Court affect the same land either in whole or in
"part or otherwise conflict or are inconsistent one with
"another the Commission shall have power notwithstanding
"anything contained in section twenty-five of this
"Proclamation to determine the nature extent and
"validity of the rights of the respective holders of
"such concessions.

"(6) In addition to but not in substitution for the
"provisions contained in sub-section (3) of this section
"it shall be lawful for the Commission from time to time
"to exercise all the powers of the Supreme Court of the
"Transvaal with respect to taking evidence on commission
"in any matter arising before the Commission".

Amendment of section 25 of the principal law.

2. Section twenty-five of the principal law as amended by section fifteen of the Swaziland Concessions Partition Proclamation 1907 shall be and is hereby further amended by the addition thereto at the commencement thereof of the following words:-

"Subject to the provisions of sub-section (5) of
"section fifteen of this Proclamation and to any
"decision of the Commission thereunder".

Amendments of principal law effected by the Swaziland Concessions Partition

3. Notwithstanding anything to the contrary contained in the Swaziland Concessions Partition Proclamation 1907 the amendment of section fifteen of the principal law

- effected -

Proclamation 1907 and this Proclamation to take effect as if inserted in principal law.

effected by section fourteen of the Swaziland Concessions Partition Proclamation 1907 and the further amendments of sections fifteen and twenty-five of the principal law as amended by sections fourteen and fifteen of the Swaziland Concessions Partition Proclamation 1907 effected by this Proclamation shall be deemed to have been added to or inserted in the principal law at the date of the taking effect of the said law.

Short title and date of taking effect.

4. This Proclamation may be cited for all purposes as the Swaziland Concessions Partition Amendment Proclamation 1907 and shall be read as one with the principal law and the Swaziland Concessions Partition Proclamation 1907 and shall have force and effect as provided in section three.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 24th day of December one thousand nine hundred and seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Whitnall

for Imperial Secretary.

2053 Sf 198.

53

1907.

3752

RECD
RECD 1 FEB 08

PROCLAMATION

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS under and by virtue of Section 8 (1) of the Swaziland Administration Proclamation 1907 the Magistrate's Court Proclamation 1903 of the Transvaal is a Statute in force, mutatis mutandis, in Swaziland.

AND whereas it is expedient to amend the said Proclamation as regards its application to Swaziland.

NOW therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order-in-Council 1906, I do hereby declare proclaim and make known as follows:-

Amendment of Section 48 of the Magistrates' Court Proclamation 1903.

(1) Section 48 of the Magistrates' Court Proclamation 1903 as regards its application to Swaziland shall be and is hereby amended by the addition at the end of the section of the following words:-

"Natives

"Natives, other than constables on duty, carrying "sticks or weapons into Court, shall be liable to "be committed or fined for contempt of Court in "manner as in this section provided".

Date of taking effect.

(2) This Proclamation shall have force and take effect as from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my hand and seal at Johannesburg this 31st day of December One thousand nine hundred and Seven.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

C. O.
4593.
Recd. 8 Feb: 08.

No. 1 of 1908

P R O C L A M A T I O N

by

His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient to provide for the better protection of the rubber plant in the Territory included within the limits of the Barotziland-North-Western Rhodesia Order-in-Council of 1899 (hereinafter referred to as "The Territory").

NOW therefore under and by virtue of the powers in me vested I hereby declare proclaim and make known as follows:-

1. From and after the first day of April 1908 no person shall (save as in hereinafter excepted) cut any rubber tree, plant or vine or collect rubber latex, or deal in, sell or offer for sale or for export any rubber.

2. The provisions of Section 1 shall not apply to:-

(a)

(a) Rubber collected outside the Territory which is in course of transit through the same to a place beyond the limits thereof;

(b) Rubber extracted from cultivated plants, trees or vines growing within the Territory;

(c) Any plants, trees or vines cultivated within the Territory.

((d) Rubber collected, dealt in, sold or offered for sale or exported by the holder of a special licence provided the burden of proving any fact in this section mentioned shall lie in every case on the person claiming the benefit thereof.

3. It shall be lawful for the Administrator in his discretion to grant to any bonâ fide land-owner, planter, or other person a special licence to cut rubber trees, plants and vines and to deal in, sell, offer for sale or export rubber, subject to such conditions as he may prescribe. Such licence shall bear stamps to the value of £5 and shall

- expire -

expire on the 31st day of December of the year of issue.

4. Any person contravening the provisions of Section 1 of this Proclamation shall be liable on conviction to a fine not exceeding £50 and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such period of imprisonment without the option of a fine, and in addition thereto all rubber found in the possession or under the control of any person so convicted shall be forfeited; and if any person so convicted be a licenced General Dealer or hawker his licence may also be revoked.

5. No person shall be convicted for selling dealing in or offering for sale or export any rubber which was collected in or imported into the Territory prior to the date of the taking effect of this Proclamation provided that the burden of proving that the rubber was collected or imported

- prior -

prior to that date shall lie upon the person charged.

6. Upon every pound weight (avoirdupois) of rubber exported from within the Territory, except as hereinafter excepted, there shall be payable a duty of fourpence.

7. Such duty shall be leviable by and paid to the nearest District Commissioner, Collector or other person authorised thereto in writing by the Administrator adjacent to the port of exit who shall give his receipt for the same, the production of which receipt at the port of exit shall be full and sufficient authority for the exportation of the weight of rubber specified in the said receipt.

8. The ports of exit for the purpose of this Proclamation shall be the following:- the Railway station at Livingstone, Sesheke drift and Feira drift on the Zambesi river and other such drifts, points on railways or roads as may be hereafter

- declared -

declared as ports of exit under this Proclamation by the Administrator by Notice in the Gazette and all rubber exported shall go by one or the other of the said ports of exit.

9. Any person who shall export or attempt to export any rubber from within the Territory without payment of the export duty imposed by this Proclamation or any person who shall export or attempt to export any rubber by other than one of the ports of exit specified or hereafter declared as in the last preceding section provided shall on conviction be liable to a fine not exceeding 5/- for every pound weight of rubber exported or attempted to be exported or in default of payment to imprisonment with or without hard labour for a period not exceeding one month unless such fine be sooner paid, and the rubber shall be liable to forfeiture to the Administration.

10. In any prosecution for exporting or

attempting to export any rubber without having paid the duty imposed by this Proclamation on proof by the Crown that accused or his agent failed on demand to produce the receipt mentioned in Section 7, the Court before which the case is heard shall presume until the contrary is proved that the accused has not paid such duty.

11. Rubber extracted from cultivated plants trees or vines growing within the Territory will be exempted from payment of the export duty imposed in this Proclamation provided that the exporter or person claiming exemption shall produce a certificate, signed by the Magistrate of the District in which the said rubber originated, specifying the number of such trees, plants or vines, cultivated by the producer of the rubber sought to be exported together with a declaration under the hand of the exporter to the effect that the rubber sought to be exported is the bona fide product

of such plants, trees or vines and of no others.

12. Any person making a false declaration for the purpose of evading payment of export duty shall be guilty of an offence under this Proclamation and shall be liable on conviction to a fine not exceeding £100 or in default of payment to imprisonment, with or without hard labour for a period not exceeding three months, unless such fine be sooner paid and the rubber in respect of which such false declaration was made shall be liable to forefeiture.

13. This Proclamation shall have force and take effect on and after the 1st day of April 1908.

GOD SAVE THE KING!

Given under my Hand and Seal at Johannesburg this ~~Eighth~~ Seventh day of January one thousand nine hundred and Eight

Selborne

HIGH COMMISSIONER



By Command of His Excellency the
High Commissioner.

for Imperial Secretary.

No. 2 of 1908.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is necessary to correct certain errors in Proclamation No. 46 of 1907 providing for the expulsion of persons from Basutoland who are a source of danger to the peace order and good government of that territory;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *two* shall be and is hereby amended by the substitution of the word "*one*" for the word "*two*" in the last line of the said section; section *three* shall be and is hereby amended by the substitution of the words "*one* or *two*" for the words "*two* or *three*" in the seventh line and by the substitution of the word "*one*" for the word "*two*" where the latter appears for the second time in the said section; and section *five* shall be and is hereby amended by the substitution of the word "*three*" for the word "*four*" in the said section.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Fourteenth day of January One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

203 of 1908.

C. O.
6383
Recd
Regd 22 FEB 08

SANCTIONED

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient that the provisions of the General Revenue Amendment Ordinance 1906 of the Transvaal should be made applicable to and have force and effect in the territory of Swaziland:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known that the provisions of the General Revenue Amendment Ordinance 1906 of the Transvaal shall apply to and have force and effect in the territory of Swaziland as from the first day of February, 1908.

GOD SAVE THE KING!

GIVEN under my hand and seal at Johannesburg

- this -

this 21st day of January one thousand nine hundred and eight.



Selwyn

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No 14 of 1908.

SANCTIONED

C. O.
7453
Recd
Regd 29 FEB 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

WHEREAS under and by virtue of Section 2 (1) of the Swaziland Administration Proclamation 1907 the "Resident Justices of the Peace and Justices of the Peace Ordinance 1904" of the Transvaal is a statute in force mutatis mutandis in Swaziland

AND WHEREAS it is expedient to define the limits within which the Resident Justice of the Peace stationed at Ferreira's Station in the Mbabane district of Swaziland shall have and exercise powers jurisdiction and duties

NOW therefore under and by virtue of the powers in me vested by Section 2 of the "Resident Justices of the Peace and Justices of the Peace Ordinance 1904" I do hereby declare, proclaim and make known that the area within which the Resident Justice of the Peace stationed at Ferreira's Station shall have and exercise the powers jurisdiction and duties conferred and imposed by the said Ordinance or by any other law shall be that portion of the district of Mbabane comprised within the following boundaries :-

From a point on the Impelusi River on the

Transvaal-Swaziland boundary, thence down the Impelusi River to its junction with the Great Usutu River, thence down the Great Usutu River to its junction with the Mkondo River, thence up the Mkondo River to the point where that river cuts the Transvaal-Swaziland boundary and along that boundary to the first mentioned point.

AND under and by virtue of the powers in me vested by Section 4 of the said Ordinance I do hereby further declare, proclaim and make known that the said Resident Justice of the Peace shall hold a court for the exercise of the jurisdiction by the said ordinance conferred at Ferreira's Station in the said District of Mbabane.

Anything done prior to the date of the publication of this Proclamation under and by virtue of the provisions of High Commissioner's Notice No. 126 of 1907 shall have the like force and effect as if it had been done under and by virtue of this Proclamation.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg

- this -

this 4th day of February One thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the
High Commissioner.

W. Blutmer

for Imperial Secretary.

No. 5. of 1908.

SANCTIONED

C. O.
8316
Rec'd
7 MAR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend Proclamations No.1 of 1905 and No.16 of 1906 relating to the preservation of game within the territory defined by the Barotsiland-North-Western Rhodesia Order-in-Council 1899 (hereinafter referred to as the "Territory"):

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Section twenty-six of Proclamation No.1 of 1905 shall be and is hereby repealed and there shall be substituted therefor the following provision:-

"The ports of exit for the purpose of this "Proclamation shall be the following:- the Railway Station "at Livingstone, Sesheke drift and Feira drift on the "Zambesi River and such other drifts railway stations "sidings or other points on railways or roads as may be "hereafter declared as ports of exit under this Proclama-"tion by the Administrator by Notice in the Gazette and "all game heads exported shall go by one or other of the "said ports of exit".

2. Proclamation No.1 of 1905 shall be and is hereby amended by the addition thereto immediately after

- section -

section twenty-nine of the following provision:-

"29. (a) No person shall export or attempt to "export from within the Territory without the written "permission of the Administrator, the carcase, skin, fat "or any parts thereof whether fresh or prepared, of any "game mentioned in Schedules 2 and 3 and any person con- "travening the provisions of this section shall be liable "on conviction to the penalties provided by sub-section "c" of section 20, and such carcase, skin, fat or parts "thereof shall be liable to confiscation".

3. Sub-section "b" of section one of Proclamation No. 16 of 1906 shall be and is hereby repealed.

4. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my hand and seal at Johannesburg this 4th day of February one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Buttner

for Imperial Secretary.

o. 6 of 1908.

C. O.
11867
Rec'd
Reg'd 4 APR 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient to amend the High Commissioner's Proclamation No.26 of 1906 providing for pensions to public officers in the service of the Bechuanaland Protectorate

NOW therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

endment of ction 16 of oclamation .26 of 1906.

(1) Section sixteen of the High Commissioner's Proclamation No.26 of 1906 shall be and is hereby amended by inserting after the words "in respect of each year" the words "and proportionately in respect of any fraction "of a year"

endment of ction 17 of oclamation .26 of 1906.

(2) Section seventeen of the said Proclamation shall be and is hereby amended by inserting after the words "in respect of each year" the words "and proportionately in "respect of any fraction of a year ".

te of fect. taking

(3) The amendments of Sections sixteen and seventeen of the said Proclamation No.26 of 1906 effected by this Proclamation shall be

- deemed -

deemed to have been inserted in the said Sections respectively at the date of the taking effect of the said Proclamation No.26 of 1906.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this 21st day of February, One thousand nine hundred and eight.

Sellnus

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

No. 7 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS the cattle diseases known as Lung-sickness and Redwater are prevalent in the border districts of the Colony of the Cape of Good Hope and for the purpose of preventing the spread of the said diseases it is desirable to regulate the introduction of cattle into Basutoland from the said Colony:

Now therefore under and by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:—

1. No person shall introduce or cause to be introduced cattle into Basutoland from the Cape Colony whether for barter transport grazing slaughter or any other purpose unless he has first obtained a declaration in respect of such cattle in the form set forth in the Schedule to this Proclamation made within seven days before the departure of such cattle from the district of Cape Colony from which the same are brought before the Resident Magistrate of such district by the person in whose possession such cattle have been for a period of not less than three months immediately preceding the date of such declaration and has caused such declaration to be delivered to the person in charge of such cattle at the time of their introduction into Basutoland.

2. Any person in charge of any cattle introduced into Basutoland from the Cape Colony after the date of this Proclamation shall until a permit has been granted in respect of such cattle carry with him the declaration made in respect of such cattle as in the preceding section mentioned and shall with as little delay as possible deliver up the said declaration to the Assistant Commissioner of the district in Basutoland through which such cattle are being driven. The Assistant Commissioner shall thereupon endorse upon the said declaration his signature and the date of such delivery and shall grant in exchange therefor a permit allowing the cattle described in the said declaration to remain in Basutoland and any person in charge of such cattle shall thereafter carry such permit in place of the said declaration.

3. The person in charge of any cattle introduced as aforesaid shall at any time on demand made by any police officer, member of police, chief, local headman or any other authorised person forthwith produce for inspection the declaration made in respect of such cattle or if the same has been delivered up as aforesaid the permit granted in exchange therefor. If such declaration or permit as the case may be is not produced it shall be lawful for such police officer member of police force chief local headman or other person as aforesaid to seize and detain such cattle until instructions shall be received from the Resident Commissioner or an Assistant Commissioner as to the disposal of the same.

4. Any person who shall contravene any provision of this Proclamation shall upon conviction be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding three months, and any cattle in respect of which any contravention of this Proclamation is committed may be seized and detained in quarantine by the Resident Commissioner or an Assistant Commissioner for so long as may be thought necessary and shall be liable to confiscation on the order of the Resident Commissioner to be disposed of in such manner as the Resident Commissioner may think fit.

5. The word "cattle" as used in this Proclamation shall include any bull ox cow heifer or calf.

6. This Proclamation shall have force and effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twenty-ninth day of February One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

SCHEDULE.

I do hereby solemnly declare

1. That the hereunder specified cattle are intended to be used for the purpose below-mentioned and that all of them have been in my possession for a period of not less than three months immediately preceding the date of this declaration.

2. That to the best of my belief all my cattle have been free from lungsickness and redwater during the said period and that to my knowledge they have not during the said period been in contact with animals suspected of or infected with either of these diseases.

3. That I undertake to report immediately to the nearest Magistrate or Assistant Commissioner any suspicious symptoms of either of the said diseases which I may observe either amongst my own or any other cattle whilst travelling along the route taken by me.

Number and description of cattle ... ...
... ...
... ...
Proposed day of starting... ... ...
Place from which sent... ... ...
Probable route to be taken... ... ...
Destination... ... ...
For what purpose removed... ... ...
Owner's name and address... ... ...
Name of person in charge... ... ...

And I make this declaration conscientiously believing the same to be true.

Declared before me this.....day of.....190.....

... ...Resident Magistrate.

8/08.

C. O.
11864
Recd
Recd 4 APR 08

No.8 of 1908.

PROCLAMATION

SANCTIONED

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS doubts have arisen as to the power of the High Commissioner to commute or remit any sentence of any Court of criminal jurisdiction now or hereafter established in the Territory included within the limits of the Barotziland-North-Western Rhodesia Order in Council 1899 (hereinafter referred to as "the Territory") and it is expedient to amend Proclamation No.6 of 1905 providing for the administration of Justice in the Territory in this respect:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Amendment of Proclamation No. 6 of 1905.

1. Proclamation No.6 of 1905 shall be and is hereby amended by the insertion therein immediately after section twenty-one of the following new section:-

"21A. The High Commissioner may remit or commute "in whole or in part any sentence passed by any Court "of criminal jurisdiction now or hereafter established "in the territory and may signify such remission or "commutation by written or telegraphic order addressed "to the proper officer of such Court or to any officer

- charged -

"charged with the duty of executing or enforcing such "sentence".

and such new section shall be deemed to have been inserted at the date of the taking effect of the said Proclamation.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this 5th day of March one thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Pretorius

for Imperial Secretary.

No. 9 of 1908.

9/08.

SANCTIONED

C. O
11088
RECD
REGD 28 MAR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

WHEREAS it is expedient to establish certain rules and regulations concerning the granting of pensions and of superannuation and other allowances to persons employed in the service of the Government of Swaziland:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

No absolute right to pensions.

1. Public Officers have no absolute right to any pension or allowance and the Government retain the power to dismiss any public officer without compensation.

PART I.- PENSIONS.

Part of Officers may become entitled.

2. Any public officer who shall either before or after the date of the taking effect of this Proclamation have held any office which is named in the Schedule to this Proclamation or which is hereafter added by Proclamation to such Schedule may receive a pension under this Proclamation; provided that he has held a pensionable office in the service of the Crown in Swaziland or else-

-where -

where for not less than ten years.

No pension to Officer under 60 unless reported incapable by Medical Board.

3. No pension shall be granted to any officer who shall be under sixty years of age unless a Medical Board appointed by the Government shall report that such officer is incapable from infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Retirement of pensionable officers.

4. (1) Any public officer who has a claim to pension under Section 2 of this Proclamation may retire or be required to retire on pension at the age of sixty.

(2) Any such public officer will be required by the High Commissioner to retire on pension on reaching the age of sixty-five.

Date of reckoning pensionable service.

5. The service of a public officer in Swaziland will for the purposes of this Proclamation ordinarily be reckoned from the date on which he commenced to draw salary from Swaziland funds in respect of his first permanent appointment; provided -

(a) that no service shall be admitted as pensionable which was prior to the attainment of the age of eighteen years;

(b) that the services of officers who were appointed under the Swaziland Administration Proclamation of 1907 but were employed in the Administration of Swaziland previous to the issue of the said Proclamation -

-tion -

Proclamation shall be reckoned from the commencement of such previous employment.

Acting and provisional service.

6. (1) Acting service in a pensionable office may when continuous with service in such an office be allowed to reckon as service for pension provided that no other officer was earning pension for the same period in respect of the same office.

(2) Provisional or temporary service may subject to the approval of the Secretary of State be allowed to count for pension when such service shall have been immediately followed by a subsequent permanent appointment to a pensionable office.

(3) The period during which an officer is absent on leave without salary shall not be allowed to count as service for pension.

Service must be unbroken except in specified cases.

7. The service in respect of which pensions will be granted must be unbroken except in cases where the service has been interrupted by circumstances not arising from misconduct or voluntary resignation in which cases service prior to a break of service may subject to the approval of the Secretary of State be allowed to count for pension together with service subsequent to such break; provided however that there shall not be deemed to have been a break in an officer's service within the meaning of this section by reason merely of such officer having been absent on leave without salary.

Method of calculating amount of pension.

8. The pension to be granted in respect of any

office under the authority of this Proclamation shall be calculated at the rate of one-sixtieth of the annual salary and emoluments of the office for each completed year of an officer's service; provided that no addition shall be made in respect of service beyond forty years.

Pensions on abolition of office.

9. Where a pensionable office is abolished a pension may be granted to the holder of the office notwithstanding that he is not otherwise qualified for pension under the foregoing sections of this Proclamation and in any such case an addition not exceeding ten years may subject to the approval of the Secretary of State be made to the period of service on which an officer's pension is computed; provided always that the number of years to be added to the actual service shall not exceed that which if added to the age of the retiring officer would bring that age up to sixty years.

Pensions in case of permanent injury.

10. (1) Where a public officer has been permanently injured -

(a) in the actual discharge of his duty and

(b) without his own default and

(c) by some injury specifically attributable to the nature of his duty

and his retirement is thereby necessitated or materially accelerated a pension may be granted to him notwithstanding that he has not served a sufficient period to qualify him ordinarily for pension and any pension granted to him under this Proclamation may be increased in proportion to the extent of his

- injury -

injury by the addition of an allowance not exceeding the proportion of his salary and emoluments hereunder indicated, viz:-

When his capacity to contribute to his support is

Slightly impaired . . . . . .Five-sixtieths of salary and emoluments.

Impaired . . . . . Ten-sixtieths of salary and emoluments.

Materially impaired . . . . . Fifteen-sixtieths of salary and emoluments.

Totally destroyed . . . . . Twenty-sixtieths of salary and emoluments;

provided that his pension increased by such allowance shall in no case exceed fifty-sixtieths of his salary and emoluments at the date of the injury.

(2) The allowance shall be less than the above mentioned maximum by such amount as the High Commissioner subject to the approval of the Secretary of State shall think reasonable in cases where the injury is not the sole cause of retirement, i.e. where the retirement is caused partly by age or infirmity.

Meaning of "salary" in computation of pension.

11. (1) For the purpose of calculating a pension the word "salary" shall include personal allowance and any fees paid out of the Treasury by way of salary; provided that the amount to be allowed for fees shall not exceed one-fourth of the actual salary of the office.

(2) The word "emoluments" shall include house allowance or the estimated value of free quarters rations and fuel or any allowance of a permanent character given as an equivalent of salary but shall exclude any temporary allowance such as acting or extra pay or bonus given as compensation for local disadvantages; provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth of the other emoluments of the office and that no forage or horse allowance or other tra~velling allowance shall count for pension purposes.

When pension to be computed (1) on final salary.

12. (1) If the officer retiring has been in receipt of the same salary and emoluments or in the class from which he retires for thirty-six months immediately preceding the date of his retirement his pension will be calculated on the actual annual rate of salary and emoluments which he is drawing at the time of retirement.

(2) Average of receipts.

(2) In other cases the pension will be calculated on the average annual amount of salary and emoluments or wages for the thirty-six months next preceding the date of retirement but if the whole period of service in Swaziland is less than three years then the retiring allowance will be calculated on the average for the whole period of service.

Date of commencement of pension.

13. Pensions shall commence from date of retirement.

Liability of pensioners under sixty years to serve again.

14. Every officer to whom a pension shall have been granted before he shall have attained the age of sixty years shall until he has attained that age be liable to be called upon to fill any public office or situation under the Crown for which his previous experience in the opinion of the Secretary of State renders him eligible and the duties of which a Medical Board shall consider him physically fit to discharge; and if he shall decline to take upon himself such office or situation or shall decline or neglect to execute the duties thereof being in a competent state of health he shall forfeit his right to the pension which had been granted to him.

Suspension or abatement of pension on re-employment.

15. During such time as an officer is re-employed in the service of the Crown whether under the preceding section of this Proclamation or in any other circumstances he shall not be entitled to receive any portion of his pension which added to the emoluments of his new office would cause his total receipts from public funds to exceed the salary and emoluments of which he was in receipt at the time when he was pensioned.

Cases of transfer from Swaziland to other services.

16. Any officer who after serving for a period of at least one year in a pensionable office in Swaziland shall have been transferred to any other service under the Crown in any other portion of His Majesty's dominions shall on his final retirement after at least ten years' service receive such a pension from Swaziland funds in respect of each year and proportionately in respect of any fraction of a year of his service in Swaziland as he would have received if he had at the moment of his transfer

- received -

received a pension calculated under this Proclamation notwithstanding that his service in Swaziland shall by itself have been less than ten years.

Cases of transfer to Swaziland from elsewhere.

17. Any officer who has been transferred from service under the Crown in any other portion of His Majesty's dominions to a pensionable office in Swaziland and has served not less than ten years in all shall on retirement receive pension under this Proclamation in respect of each year and proportionately in respect of any fraction of a year of his service in Swaziland notwithstanding that he may not have completed ten years' actual service in Swaziland.

PART II. - GRATUITIES.

Gratuities on retirement from ill-health.

18. (1) Any officer holding a pensionable appointment who is compelled to retire from ill health before he has completed ten years' service may be granted a gratuity of one month's salary for each year of service and half a month's salary in respect of any fraction of a year amounting to six completed months.

(2) The computation of salary for this purpose is to be governed by sections 11 and 12 of this Proclamation.

PART III.- GENERAL PROVISIONS.

Meritorious service essential.

19. (1) Pensions gratuities and allowances computed at the rates before-mentioned shall only be granted in cases of faithful and meritorious service.

(2) Where the fidelity and diligence of an officer fall short of the first degree of merit the computation may be made at lower rates.

(3) Where an officer has been guilty of gross negligence irregularity or misconduct or where his failure of health is due to misconduct the grant of pension or other allowance or gratuity may be altogether withheld.

Pensions not to be assigned.

20. No pension granted under this Proclamation shall be assignable or transferable or capable of being hypothecated or liable to be attached sequestrated or levied upon for or in respect of any debt or claim whatsoever.

Pensions to cease on conviction.

21. If any person to whom a pension has been granted under this Proclamation is convicted before any Court in His Majesty's dominions of any crime or offence for which he is sentenced to death or penal service or transportation or any terms of imprisonment with hard labour or exceeding twelve months and does not within two months after such conviction receive His Majesty's free pardon then in every such case such pension shall forthwith cease; provided always that the High Commissioner with the consent of the Secretary of State may restore the pension in the case of a person who after conviction as above described receives His Majesty's free pardon at any time.

Pensions to cease on insolvency.

22. If any person to whom a pension has been granted under this Proclamation becomes insolvent then such pension shall forthwith cease; provided always that in any case where a pension ceases by reason of the insolvency of the pensioner it shall be lawful for the High Commissioner

subject to the approval of the Secretary of State from time to time during the remainder of such pensioner's life or during such shorter period or periods either continuous or discontinuous as the Secretary of State shall think fit to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any exclusive of the other or others of the following persons namely such pensioner and any wife child or children of his in such proportions and manner as to the High Commissioner appears proper.

Compensation to relatives.

23. If the death of the holder of an office in respect of which a pension or gratuity may be granted is caused by an injury occasioned without his own default in the actual discharge of his public duty and specifically attributable to the nature of his public duty the High Commissioner with the approval of the Secretary of State may grant to the widow of the deceased or if the deceased does not leave a widow and if his mother was at the time of the death wholly dependent upon him for her support to the mother of the deceased a pension not exceeding one-sixth of the deceased's salary and emoluments at the date of the injury and there may further be granted to the children of the deceased a gratuity not exceeding the number of pounds sterling which is equal to the number obtained by substracting the number of years completed by each of the children at the date of the father's death from fifteen and adding the remainders together; the total

gratuity not to be less than £10 or more than £50 although it shall be lawful in the case of motherless children to grant double the amount which would otherwise be given.

Final decision to rest with High Commissioner.

24. The final decision of all disputes or questions which may arise under this Proclamation or in respect of the true meaning or construction thereof shall rest with the High Commissioner subject to the approval of His Majesty's Secretary of State for the Colonies.

Date of taking effect.

25. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this third day of March one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Brunnick

for Imperial Secretary.

S C H E D U L E.

Resident Commissioner.

Government Secretary and Accountant to the Resident Commissioner, whether these posts are vested in one officer or are separately held.

Clerks to the Resident Commissioner (including any officer employed in the High Commissioner's Office on the work of Swaziland and drawing his salary from Swaziland funds).

Assistant Commissioners.

Clerks to Assistant Commissioners.

Medical Officers.

Inspectors of the Swaziland Police.

Sub-Inspectors of the Swaziland Police.

European Gaolers.

European Non-Commissioned officers and men of the Swaziland Police.

European Hospital Assistants.

Government Veterinary Officer exclusively employed by Government.

European Teachers.

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No. 10 of 1908.

C. O.
11087
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Rec'd 25 MAR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS under and by virtue of the High Commissioner's Proclamations of the 10th of June 1891 and the 4th of July 1893 the provisions of the "Transfer Duty Consolidation and Amendment Act 1884" of the Colony of the Cape of Good Hope are in force in the Bechuanaland Protectorate (hereinafter referred to as "the Protectorate"):

AND WHEREAS it is expedient that the provisions of the "Transfer Duty Reduction Act 1896" of the said Colony whereby the said "Transfer Duty Consolidation and Amendment Act 1884" was amended by substituting for the words "four pounds" in section two of the said Act the words "two pounds" should also be in force in the Protectorate:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The provisions of the "Transfer Duty Reduction Act 1896" of the Colony of the Cape of Good Hope shall mutatis mutandis be in force and have effect within the limits of the Protectorate.

2. This Proclamation shall have force and take effect as from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this third day of March one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. P. Bottick

for Imperial Secretary.

No. 11 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to provide for the imprisonment in the Territory of Basutoland of criminals sentenced in adjacent Colonies and Territories with a view more particularly to enable the provisions of similar statutes in such Colonies or Territories to be extended or applied to Basutoland:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Every person who has been or may hereafter be sentenced to imprisonment with or without hard labour by any competent Court within any Colony or Territory in South Africa to which the High Commissioner may under the powers hereby conferred on him declare the provisions of this Proclamation to extend or apply may be received into imprisoned or detained in custody in Basutoland until the expiration of such sentence or during such portion thereof as may be deemed necessary and thereupon the said person shall be treated in every respect as if the said sentence had been pronounced by some competent Court in Basutoland.

2. A certificate signed by the Resident Commissioner setting forth that from documents laid before him it appears that the person named in such certificate has been sentenced as in the last preceding section mentioned and for the term named in such certificate shall in all Courts and places whatsoever be deemed and taken to be conclusive evidence at all times during the continuance of such term that such person is duly imprisoned with or without hard labour as the case may be under the provisions of this Proclamation.

3. This Proclamation shall take effect as far as concerns any Colony or Territory aforesaid as soon as the High Commissioner shall by notice in the *Gazette* notify that such Colony or Territory has made similar provision for the imprisonment or detention therein of offenders sentenced by a competent Court of Basutoland.

4. This Proclamation may be cited for all purposes as the "Prisoners' Detention Proclamation 1908" and shall have force and take effect as from the date of its publication in the *Gazette*.

God Save the King.

Given under my Hand and Seal at Johannesburg this Third day of March One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 12 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to provide for the removal to the Colony of the Cape of Good Hope of prisoners sentenced in Basutoland to imprisonment with or without hard labour in order that such persons may be detained in prison within the said Colony until the expiration of sentence or release according to law:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Every person who has been or may hereafter be sentenced by any competent Court in Basutoland to imprisonment with or without hard labour may by warrant signed by the High Commissioner be removed to the Colony of the Cape of Good Hope in order that such person may be detained and imprisoned therein under the "Prisoners' Detention Act 1884" of the said Colony until the expiration of his sentence or release according to law.

2. Any prisoner in course of removal under a warrant signed by virtue of the preceding section shall be deemed to be in lawful custody whilst within Basutoland.

3. The High Commissioner may from time to time make revoke alter or amend Regulations providing for the removal of prisoners under this Proclamation.

4. Nothing in this Proclamation contained shall prevent the conviction judgment and sentence of any such person removed as aforesaid from being questioned within Basutoland in the same manner as if he had not been removed and the sentence of such person may be remitted and his discharge ordered in the same manner and by the same authority as if he had not been removed.

5. This Proclamation shall take effect from the date of its publication in the *Gazette*.

God Save the King.

Given under my Hand and Seal at Johannesburg this Third day of March One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

No. 13 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the law relating to the granting of pensions and superannuation and other allowances to persons employed in the service of the Government of Basutoland:

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

No absolute right to Pensions.

1. (1) Public Officers have no absolute right to any pension or allowance and the Government retain the power to dismiss any public officer without compensation.

(2) No person to whom any pension gratuity or allowance has been granted under any previous law in respect of his service in Basutoland shall receive any pension gratuity or allowance under this Proclamation in respect of the service which has been so recognised.

Part I.—Pensions.

Pensions to Officers in Schedule A.

2. Save as hereinbefore provided any public officer who shall either before or after the date of the taking effect of this Proclamation have held any office which is named in Schedule A to this Proclamation or which is hereafter added by Proclamation to such Schedule may receive a pension under this Proclamation; provided that he has held a pensionable office in the service of the Crown in Basutoland or elsewhere for not less than ten years, and provided that no person acting as Medical Officer who also exercises private practice as a physician, surgeon or accoucheur shall be deemed to be or to have been the holder of office as a Medical Officer within the meaning of this Proclamation unless and until he has signed an undertaking in a form approved by the Resident Commissioner to regard the claims of his private practice on his time as subordinate to those of his work for the Government of Basutoland and to hold himself liable without title to advance any claim for loss of private practice to be removed for the purposes of public service from any one place or station in the Territory of Basutoland to any other.

No Pension to Officer under sixty unless reported incapable by Medical Board.

3. No pension shall be granted to any officer who shall be under sixty years of age unless a Medical Board appointed by the Government shall report that such officer is incapable from infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Retirement of Pensionable Officers.

4. (1) Any public officer who has a claim to pension under section *two* of this Proclamation may retire or be required to retire on pension at the age of sixty.

(2) Any such public officer will be required by the High Commissioner to retire on pension on reaching the age of sixty-five.

Date of reckoning Pensionable Service.

5. The service of a public officer in Basutoland will for the purposes of this Proclamation ordinarily be reckoned from the date on which he commenced to draw salary from Basutoland funds in respect of his first permanent appointment; provided that no service shall be admitted as pensionable which was prior to the attainment of the age of eighteen years.

Acting and Provisional Service.

6. (1) Acting service in a pensionable office may when continuous with service in such an office be allowed to reckon as service for pension; provided that no other officer was earning pension for the same period in respect of the same office.

(2) Provisional or temporary service may subject to the approval of the Secretary of State be allowed to count for pension when such service shall have been immediately followed by a subsequent permanent appointment to a pensionable office.

(3) The period during which an officer is absent on leave without salary shall not be allowed to count as service for pension.

Service must be unbroken except in special cases.

7. The service in respect of which pensions will be granted must be unbroken except in cases where the service has been interrupted by circumstances not arising from misconduct or voluntary resignation in which cases service prior to a break of service may subject to the approval of the Secretary of State be allowed to count for pension together with service subsequent to such break; provided however that there shall not be deemed to have been a break in an officer's service within the meaning of the section by reason merely of such officer having been absent on leave without salary.

Method of calculating amount of Pension.

8. The pension to be granted in respect of any office under the authority of this Proclamation shall be calculated at the rate of one sixtieth of the annual salary and emoluments of the office for each completed year of an officer's service; provided that in the case of any officer who holds at the date of the taking effect of this Proclamation or has held prior to such date an office which under any previous Proclamation was a pensionable office a proportionate sum shall be allowed for any fraction of a year of service, and provided that no addition shall be made in respect of service beyond forty years.

Pensions on Abolition of Office.

9. Where a pensionable office is abolished a pension may be granted to the holder of the office notwithstanding that he is not otherwise qualified for pension under the foregoing sections of this Proclamation and in any such case an addition not exceeding ten years may subject to the approval of the Secretary of State be made to the period of service on which an officer's pension is computed; provided always that the number of years to be added to the actual service shall not exceed that which if added to the age of the retiring officer would bring that age up to sixty years.

Pensions in case of Permanent Injury.

10. (1) Where a public officer has been permanently injured

(*a*) in the actual discharge of his duty and
(*b*) without his own default and
(*c*) by some injury specifically attributable to the nature of his duty

and his retirement is thereby necessitated or materially accelerated a pension may be granted to him notwithstanding that he has not served a sufficient period to qualify him ordinarily for pension and any pension granted to him under this Proclamation may be increased in proportion to the extent of his injury by the addition of an allowance not exceeding the proportion of his salary and emoluments hereunder indicated, namely:—

When his capacity to contribute to his support is
slightly impaired . . . . . five-sixtieths of salary and emoluments;
impaired . . . . . ten-sixtieths of salary and emoluments;
materially impaired . . . . . fifteen-sixtieths of salary and emoluments;
totaly destroyed . . . . . twenty-sixtieths of salary and emoluments;

provided that his pension increased by such allowance shall in no case exceed fifty-sixtieths of his salary and emoluments at the date of his injury.

(2) The allowance shall be less than the above-mentioned maximum by such amount as the High Commissioner subject to the approval of the Secretary of State shall think reasonable in cases where the injury is not the sole cause of retirement, *i.e.*, where the retirement is caused partly by age or infirmity.

Meaning of "Salary" in the computation of Pension.

11. (1) For the purpose of calculating a pension the word "salary" shall include personal allowance and any fees paid out of the Treasury by way of salary; provided that the amount to be allowed for fees shall not exceed one-fourth of the actual salary of the office.

(2) The word "emoluments" shall include house allowance or the estimated value of free quarters, rations, and fuel, or any allowance of a permanent character given as an equivalent of salary but shall exclude any

temporary allowance such as acting or extra pay or bonus given as compensation for local disadvantages; provided that the amount to be allowed for house rent or for estimated value of free quarters shall not exceed one-sixth of the other emoluments of the office and that no forage or horse allowance or other travelling allowance shall count for pension purposes.

When Pension to be computed: (1) *On Final Salary.*

12. (1) If the officer retiring has been in receipt of the same salary and emoluments or in the class from which he retires for thirty-six months immediately preceding the date of his retirement his pension will be calculated on the actual annual rate of salary and emoluments which he is drawing at the time of retirement.

(2) *Average of Receipts.*

(2) In other cases the pension will be calculated on the average annual amount of salary and emoluments or wages for the thirty-six months next preceding the date of retirement, but if the whole period of service in Basutoland is less than three years then the retiring allowance will be calculated on the average for the whole period of service.

Date of commencement of Pension.

13. Pensions shall commence from date of retirement.

Liability of Pensioners under sixty years to serve again.

14. Every officer to whom a pension shall have been granted before he shall have attained the age of sixty years shall until he has attained that age be liable to be called upon to fill any public office or situation under the Crown for which his previous experience in the opinion of the Secretary of State renders him eligible and the duties of which a Medical Board shall consider him physically fit to discharge and if he shall decline to take upon himself such office or situation or shall decline or neglect to execute the duties thereof being in a competent state of health he shall forfeit his right to the pension which had been granted to him.

Suspension or Abatement of Pension on Re-employment.

15. During such time as an officer is re-employed in the service of the Crown whether under the preceding section of this Proclamation or in any other circumstances he shall not be entitled to receive any portion of his pension which added to the emoluments of his new office would cause his total receipts from public funds to exceed the salary and emoluments of which he was in receipt at the time when he was pensioned.

Cases of transfer from Basutoland to other Services.

16. Any officer who after serving for a period of at least one year in a pensionable office in Basutoland shall have been transferred to any other service under the Crown in any other portion of His Majesty's dominions shall on his final retirement after at least ten years service receive such a pension from Basutoland funds in respect of each year and proportionately in respect of any fraction of a year of his service in Basutoland as he would have received if he had at the moment of his transfer received a pension calculated under this Proclamation notwithstanding that his service in Basutoland shall by itself have been less than ten years. Any pension payable under this section to any officer whose final retirement has taken place before the date of the taking effect of this Proclamation shall be payable as from the date of such final retirement.

Cases of transfer to Basutoland from elsewhere.

17. Any officer who has been transferred from service under the Crown in any other portion of His Majesty's dominions to a pensionable office in Basutoland and has served not less than ten years in all shall on retirement receive pension under this Proclamation in respect of each year and proportionately in respect of any fraction of a year of his service in Basutoland notwithstanding that he may not have completed ten years actual service in Basutoland.

Part II.—Gratuities.

Gratuities on Retirement for Ill-Health.

18. (1) Any officer holding a pensionable appointment who is compelled to retire from ill-health before he has completed ten years service may be granted a gratuity of one month's salary for each year of service and half a month's salary in respect of any fraction of a year amounting to six completed months.

(2) The computation of salary for this purpose is to be governed by sections *eleven* and *twelve* of this Proclamation.

Part III.—General Provisions.

Meritorious service essential.

19. (1) Pensions, gratuities and allowances computed at the rates before-mentioned shall only be granted in cases of faithful and meritorious services.

(2) Where the fidelity and diligence of an officer fall short of the first degree of merit, the computation may be made at lower rates.

(3) Where an officer has been guilty of gross negligence irregularity or misconduct or where his failure of health is due to misconduct the grant of pension or other allowance or gratuity may be altogether withheld.

Pensions not to be assigned.

20. No pension granted under this Proclamation shall be assignable or transferable or capable of being hypothecated or liable to be attached sequestrated or levied upon for or in respect of any debt or claim whatsoever.

Pensions to cease on conviction.

21. If any person to whom a pension has been granted under this Proclamation is convicted before any Court of His Majesty's dominions of any crime or offence for which he is sentenced to death or penal servitude or transportation or any terms of imprisonment with hard labour or exceeding twelve months and does not within two months after such conviction receive His Majesty's free pardon then in every such case such pension shall forthwith cease; provided always that the High Commissioner with the consent of the Secretary of State may restore the pension in the case of a person who after conviction as above-described receives His Majesty's free pardon at any time.

Pensions to cease on insolvency.

22. If any person to whom a pension has been granted under this Proclamation becomes insolvent then such pension shall forthwith cease; provided always that in any case where a pension ceases by reason of insolvency of the pensioner it shall be lawful for the High Commissioner subject to the approval of the Secretary of State from time to time during the remainder of such pensioner's life or during such shorter period or periods either continuous or discontinuous as the Secretary of State shall think fit to cause all or any part of the moneys to which such pensioner would have been entitled by way of pension had he not become insolvent to be paid to or applied for the maintenance and personal support or benefit of all or any exclusive of the other or others of the following persons namely such pensioner and any wife child or children of his in such proportions and manner as to the High Commissioner appears proper.

Compensation to relatives.

23. If the death of the holder of an office in respect of which a pension or gratuity may be granted is caused by an injury occasioned without his own default in the actual discharge of his public duty and specifically attributable to the nature of his public duty the High Commissioner with the approval of the Secretary of State may grant to the widow of the deceased or if the deceased does not leave a widow and if his mother was at the time of death wholly dependent upon him for her support to the mother of the deceased a pension not exceeding one-sixth of the deceased's salary and emoluments at the date of the injury and there may further be granted to the children of the deceased a gratuity not exceeding the number of pounds sterling which is equal to the number obtained by subtracting the number of years completed

by each of the children at the date of the father's death from fifteen and adding the remainders together the total gratuity not to be less than £10 or more than £50 although it shall be lawful in the case of motherless children to grant double the amount which would otherwise be given.

Final decision to rest with High Commissioner.

24. The final decision of all disputes or questions which may arise under this Proclamation or in respect of the true meaning or construction thereof shall rest with the High Commissioner subject to the approval of His Majesty's Secretary of State for the Colonies.

Extension of benefits of Proclamation to officers named in Schedule B.

25. The High Commissioner may extend any of the benefits conferred by this Proclamation either wholly or in part to any person who shall either before or after the date of this Proclamation have held any office which is named in Schedule B to this Proclamation and may extend any benefits conferred by section *twenty-three* of this Proclamation to the widow, mother or children of any such person and where such extension is granted the office held by such person shall for the purpose of such extension be deemed to be a pensionable office; provided that

(*a*) each case in which such extension is proposed shall be specially recommended to the High Commissioner both by the head of the Department in which the person concerned shall have served and by the Resident Commissioner as a fit and proper case for such extension;

(*b*) a pension may be granted under this Proclamation to any such person in favour of whom such extension is made though such person shall not have served more than eight years under the Government of Basutoland;

(*c*) no pension shall be granted to any such person or to the widow or mother of any such person except with the approval of His Majesty's Secretary of State for the Colonies.

Repeals.

26. The Proclamations mentioned in Schedule C to this Proclamation shall be and are hereby repealed to the extent set forth in the second column of such Schedule; provided always that such repeal shall not affect in any way whatsoever any pension gratuity or allowance already granted under any law so repealed, or the conditions subject to which any such pension gratuity or allowance is payable.

Date of taking effect.

27. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Third day of March One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the High Commissioner.

W. G. BENTINCK,
for Imperial Secretary.

SCHEDULE A.

Establishments—

Resident Commissioner.
Government Secretary.
Financial Secretary.
Assistant Commissioners.
Clerks to the Resident Commissioner (including any officer employed in the High Commissioner's Office on the work of the Basutoland Government and drawing his salary from the funds of Basutoland).
European Interpreters.

Police—

Inspectors of Police.
Sub-Inspectors of Police.
Chief Constable.
European Constables.
European Gaolers.

Post Office—

Postmasters.
European Postal Assistants.

Public Works—

Inspector of Public Works.

Hospitals—

Principal Medical Officer.
Medical Officers.
Matrons.
Staff Nurses.

Education—

Director, Industrial School.
Inspector of Education.

Agriculture—

Government Veterinary Officer, exclusively employed by Government.

Miscellaneous—

Europeans in charge of Government Ferry Boats, exclusively employed by Government.

SCHEDULE B.

Native Interpreters (including Hospital interpreters).
Permanent Native Police Officers.
Native Constables.
Natives in charge of Government Ferry Boats.
Native Gaolers.

SCHEDULE C.

Laws Repealed.	*Extent of Repeal.*
Proclamation No. 1 B. 1890 dated 12th May 1890	The whole.
Proclamation No. 1 B. 1891 dated 22nd January 1891	Section *five*.
Proclamation No. 2 B 1891 dated 22nd January 1891	The whole.
Proclamation of the 20th October 1892	The whole.
Proclamation No. 7 1900 dated 20th December 1900	Sections *one* and *two*.

No. 14 of 1908.

C. O.
11091
Rec'd
Rec'd 26 MAR 08

P R O C L A M A T I O N

By His Excellency the High Commissioner

SANCTIONED

WHEREAS it is expedient to make provision for the surrender of fugitive criminals in the Bechuanaland Protectorate (hereinafter referred to as "the Protectorate")

NOW therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Short title and date of coming effect.

1. This Proclamation may be cited as "The Fugitive Criminals Surrender Proclamation 1908" and shall have force and take effect from the date of its publication in the Gazette.

Where an arrangement has been made for surrender of criminals

2. Where an arrangement has been made between His Majesty the King and the ruler of a foreign state under which the Protectorate is to surrender to that State or to its Protectorates any fugitive criminals, the High Commissioner may by notice in the Gazette direct that this Proclamation shall apply in the case of that State during the continuance of the arrangement and after such notice has been published in the Gazette this Proclamation shall subject to the terms of the arrangement apply accordingly. No such notice shall remain in force for any longer period than the arrangement, and the High Commissioner may by the same or any subsequent notice limit the application of this

- Proclamation -

Proclamation or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Restrictions on surrender of criminals.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

(1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Court of Assistant Commissioner before whom he is brought on habeas corpus, or any similar writ or proceeding, or to the High Commissioner that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character;

(2) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Protectorate, be detained or tried in that foreign state for any offence committed prior to his surrender other than the crime proved by the facts on which the surrender is grounded;

(3) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which the surrender is

asked, or is undergoing sentence under any conviction in the Protectorate, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Liability of criminal to surrender.

4. Where this Proclamation applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of the Protectorate shall be liable to be apprehended and surrendered in manner provided by this Proclamation whether the crime in respect of which the surrender is sought was committed before or after the coming into operation of this Proclamation, and whether there is or is not any concurrent jurisdiction in any Court of His Majesty's dominions or of the Protectorate over that crime.

Order of High Commissioner for issue of warrant if crime is not of a political character.

5. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the Protectorate shall be made to the High Commissioner by some person recognised by the High Commissioner as a diplomatic representative of that foreign state. The High Commissioner may, by order under his hand signify to an Assistant Commissioner that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the High Commissioner is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

Issue of warrant by Assistant Commissioner.

6. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in or on the way to the Protectorate may be issued:-

(1) By an Assistant Commissioner on the receipt of the said order of the High Commissioner and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in the Protectorate and

(2) By an Assistant Commissioner on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the Protectorate in which he exercises jurisdiction.

Any Assistant Commissioner issuing a warrant under this section without an order from the High Commissioner shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the High Commissioner who may if he think fit order the warrant to be cancelled, and

the person who has been apprehended on the warrant to be discharged.

A fugitive criminal apprehended on a warrant issued without the order of the High Commissioner shall be discharged by the Assistant Commissioner issuing such warrant unless the Assistant Commissioner within such reasonable time, as with reference to the circumstances of the case, he may fix, receives from the High Commissioner an order signifying that a requisition has been made for the surrender of such criminal.

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7. When a fugitive criminal is brought before any Court of Assistant Commissioner such Court shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before it charged with an indictable offence committed in the Protectorate.

Such Court shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not a crime in respect of which his surrender may be granted.

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8. In the case of a fugitive criminal accused of a crime in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Proclamation) would, according to the law of the Protectorate, justify the committal for trial of the

prisoner if the crime of which he is accused had been committed in the Protectorate the Court of Assistant Commissioner shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of a crime in respect of which his surrender may be granted if such evidence is produced as (subject to the provisions of this Proclamation) would according to the law of the Protectorate prove that the prisoner was convicted of such crime, the Court of Assistant Commissioner shall commit him to prison, but otherwise shall order him to be discharged.

If such Court commits such criminal to prison, it shall commit him to a prison or other place of safe custody in the Protectorate there to await the warrant of the High Commissioner for his surrender, and shall forthwith send to the High Commissioner a certificate of the committal and such report on the case as he may think fit.

Surrender of fugitive to foreign state on warrant of High Commissioner.

9. If any Court of Assistant Commissioner commits a fugitive criminal to prison it shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for his release if he can show good and sufficient ground therefor.

Upon the expiration of the said fifteen days or, if application for release is made after the decision of the Court of the Resident Commissioner upon such

application (such Court having power to decide the same anything to the contrary in Proclamation No.2 of 1896 not-withstanding) as the case may be, or after such further period as may be allowed in either case by the High Commissioner, it shall be lawful for the High Commissioner, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the said Court) to be surrendered to such person as may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant: and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Protectorate may be retaken upon an escape.

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10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Protectorate within two months after such committal, or, if application for release is made after the decision of the Court upon such application it shall be lawful for the Court of the Resident Commissioner (anything to the contrary in Proclamation No.2 of 1896 notwithstanding) upon application made to it by or on behalf of the criminal, and upon proof that reasonable

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notice of the intention to make such application has been given to the High Commissioner to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

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II. The warrant of an Assistant Commissioner issued in pursuance of this Proclamation may be executed in any part of the Protectorate in the same manner as if the same had been originally issued or subsequently indorsed by an Assistant Commissioner having jurisdiction in the place where the same is executed.

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12. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Proclamation.

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13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purpose of this Proclamation if authenticated in manner provided for the time being by law or authenticated as follows:-

(1) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;

(2) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original

depositions or statements, or to be true copies thereof, as the case may require; and

(3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the Minister of Justice, or some other Minister of state: And all courts of justice, justices and Commissioners shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Criminal surrendered by foreign state not triable for previous crime.

14. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in the Protectorate, would be (by whatever name designated by the law of the Protectorate) one of the crimes described in the first schedule to this Proclamation is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's Dominions or Protectorates other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

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15. The forms set forth in the second Schedule to this Proclamation or forms as near thereto, as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

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16. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her late Majesty, chapter one hundred and thirteen, intituled "An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals"; which Act shall for this purpose apply to and be in force within the Protectorate and all the provisions of that Act shall be construed as if the term "Colony" or "Possession" included a Protectorate, and as if the term "civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

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17. The High Commissioner may by order under his hand require any Court of Assistant Commissioner to take evidence for the purposes of any criminal matter pending in any court or tribunal in any foreign state; and such court upon the receipt of such order, shall take the evidence of every witness appearing before

it for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before it, and shall transmit the same to the High Commissioner; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence.

Every person who wilfully gives false evidence before a magistrate under this section shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

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18. For the purposes of this Proclamation every constituent part of a foreign state and every colony, dependency or Protectorate of and every vessel of that state, shall be deemed to be within the jurisdiction of and to be part of such foreign state.

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19. In this Proclamation, unless the context otherwise requires:-

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The term "crime in respect of which surrender may be granted" means a crime which would be punishable by the law of the Protectorate if committed in the Protectorate and which would (by whatever name designated by the law of the Protectorate) be one of the crimes described in the first schedule to this Proclamation.

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any crime or of being accessory before or after the fact of any such crime, shall be deemed for the purposes of this Proclamation to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

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The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy.

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The term "fugitive criminal" means any person accused or convicted of a crime in respect of which surrender may be granted committed within the jurisdiction of any foreign state who is in or is suspected of being in or on the way to some part of the Protectorate and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of that state.

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issioner.

The term "Assistant Commissioner" includes an Acting Assistant Commissioner.

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entative.

The term "diplomatic representative of a foreign state" includes any person recognised by the High Commissioner as a Consul General, Consul, or Vice-Consul, or as the Officer administering the Government of any possession, dependency or protectorate of that state.

The term "oath" includes affirmation.

The term "warrant" in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime.

The term "Gazette" means the Official Gazette of the High Commissioner for South Africa.

GOD SAVE THE KING!

Given under my hand and seal at Johannesburg this third day of March one thousand nine hundred and eight.



Sellwe

High Commissioner.

By His Excellency the High Commissioner.

J.J. Brutnick

for Imperial Secretary.

THE FIRST SCHEDULE

List of Crimes.

Murder and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting and altering and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against bankruptcy law or any indictable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud by a bailee, made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and house-breaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

Offences against the Slave Trade Act, 1873 or otherwise in connection with the Slave Trade, committed on the high seas or on land or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them, or under any Act amending or substituted for the same:-

24 and 25 Viet. c. 96. Larceny.

24 and 25 Viet.c. 97 Malicious injuries to property.

24 and 25 Viet. c. 98. Forgery.

24 and 25 Viet.c. 99. False coining

24 and 25 Viet. c. 100. Murder and other offences against the person.

Bribery.

Any other crime from time to time added by Act of Parliament to the list of crimes in the First Schedule to the Extradition Act 1870.

SECOND SCHEDULE

Form of Order of High Commissioner
to the Assistant Commissioner.

To the Assistant Commissioner at

WHEREAS, in pursuance of an arrangement
with
referred to in a notice in the Gazette
dated the day of
a requisition has been made to me,
the High Commissioner for South Africa
by the diplomatic representative
of
for the surrender of
late of
accused (or convicted) of the commission of
the crime of
within the jurisdiction of

Now I hereby, by this my order under my hand and seal, signify to you that such a requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of the Fugitive

- Criminals-

Criminals Surrender Proclamation 1908 relating to the issue of such warrant, are in your judgment complied with.

Given under the hand of the undersigned High Commissioner for South Africa this day of

190

High Commissioner.

Form of Warrant of Apprehension by

Order of High Commissioner.

To all and each of the constables of

the Police force.

WHEREAS the High Commissioner for South Africa by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of

late of

accused (or convicted) of

the commission of the crime of

within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said

pursuant to the Fugitive Criminals Surrender Proclamation 1908 wherever he may be found in the Protectorate ~~of~~ Bechuanaland and bring him before me or some other Assistant Commissioner to show cause why he should not be surrendered in pursuance of the said Proclamation for which this shall be your Warrant.

Given under my hand at

this day of

19

Assistant Commissioner.

Form of Warrant of Apprehension without Order of High Commissioner.

To all and each of the constables of the Police Force.

WHEREAS it has been shown to the undersigned that late of is accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said and to bring him before me or some other Assistant Commissioner to be further dealt with according to law, for which this shall be your warrant.

Given under my hand at this day of 19

Assistant Commissioner.

Form of Warrant of Committal

To one of the constables
of the police force of
and to the keeper of the

Be it remembered that on this
day of in the year of Our
Lord late of
is brought before me an Assistant
Commissioner for to show
cause why he should not be surrendered in pursuance
of the Fugitive Criminals Surrender Proclamation
1908 on the ground of his being accused (or convicted)
of the commission of the crime of within
the jurisdiction of and forasmuch
as no sufficient cause has been shown to me why
he should not be surrendered in pursuance of the
said Proclamation.

This is therefore to command you the said
constable in His Majesty's name forthwith to
convey and deliver the body of the said
into the custody of the said keeper
of the at
and you the said keeper to receive the said
into your custody, and him there
safely to keep until he is thence delivered pur-
suant to the provisions of the said Proclamation

for which this shall be your warrant.

Given under my hand at

this day of

19 .

Assistant Commissioner.

Form of Warrant of High Commissioner for Surrender of Fugitive.

To the keeper of and

to

WHEREAS late of

accused (or convicted) of

the commission of the crime of

within the jurisdiction of was

delivered into the custody of you

the keeper of

by warrant dated

pursuant to the Fugitive Criminals

Surrender Proclamation 1908.

Now I do hereby, in pursuance of the said Proclamation order you the said keeper to deliver the body of the said into the custody of the said and I command you the said to receive the said into your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

- Given -

Given under the hand of the under-signed
High Commissioner for South Africa
this day of
19 .

High Commissioner.

No. 15 of 1908.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to make provision for the surrender of fugitive criminals in the territory of Swaziland (hereinafter referred to as "the territory"):

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Short title and date of taking effect.

1. This Proclamation may be cited as "The Fugitive Criminals Surrender Proclamation 1908", and shall have force and take effect from the date of its publication in the Gazette.

Where an arrangement for surrender of Criminals made Proclamation to apply.

2. Where an arrangement has been made between His Majesty the King and the ruler of a foreign state under which the territory is to surrender to that State or to its Protectorates any fugitive criminals, the High Commissioner may by notice in the Gazette direct that this Proclamation shall apply in the case of that State during the continuance of the arrangement and after such notice has been published in the Gazette this Proclamation shall subject to the terms of the arrangement apply accordingly. No such notice shall remain in force for any longer period than the arrangement, and the High Commissioner may by the

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same or any subsequent notice limit the application of this Proclamation or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Restrictions on surrender of criminals.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

(1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Court of Assistant Commissioner before whom he is brought on habeas corpus, or any similar writ or proceeding, or to the High Commissioner, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character;

(2) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the territory, be detained or tried in that foreign state for any offence committed prior to his surrender other than the crime proved by the facts on which the surrender is grounded;

(3) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which the surrender is asked, or is undergoing sentence under any conviction in the territory shall not be surrendered until after he

has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

liability of criminal to surrender.

4. Where this Proclamation applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of the territory shall be liable to be apprehended and surrendered in manner provided by this Proclamation whether the crime in respect of which the surrender is sought was committed before or after the coming into operation of this Proclamation, and whether there is or is not any concurrent jurisdiction in any court of His Majesty's dominions or of the territory over that crime.

Order of High Commissioner for issue of warrant for crime not of political character.

5. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the territory shall be made to the High Commissioner by some person recognised by the High Commissioner as a diplomatic representative of that foreign state. The High Commissioner may, by order under his hand signify to an Assistant Commissioner that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the High Commissioner is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted

of such offence to be discharged from custody.

Issue of warrant by Assistant Commissioner.

6. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in or on the way to the territory may be issued:-

(1) By an Assistant Commissioner on the receipt of the said order of the High Commissioner and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in the territory; and

(2) by an Assistant Commissioner on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the territory in which he exercises jurisdiction.

Any Assistant Commissioner issuing a warrant under this section without an order from the High Commissioner shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the High Commissioner, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal apprehended on a warrant issued without the order of the High Commissioner shall be discharged by the Assistant Commissioner issuing such warrant unless the Assistant Commissioner, within such reasonable

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time, as with reference to the circumstances of the case, he may fix, receives from the High Commissioner an order signifying that a requisition has been made for the surrender of such criminal.

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7. When a fugitive criminal is brought before any Court of Assistant Commissioner such Court shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before it charged with an indictable offence committed in the territory.

Such Court shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not a crime in respect of which his surrender may be granted.

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8. In the case of a fugitive criminal accused of a crime in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Proclamation) would, according to the law of the territory, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the territory, the Court of Assistant Commissioner shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of a crime in respect of which his surrender may be granted if such evidence is produced as

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(subject to the provisions of this Proclamation) would according to the law of the territory prove that the prisoner was convicted of such crime, the Court of Assistant Commissioner shall commit him to prison, but otherwise shall order him to be discharged.

If such Court commits such criminal to prison, it shall commit him to prison or other place of safe custody in the territory there to await the warrant of the High Commissioner for his surrender, and shall forthwith send to the High Commissioner a certificate of the committal and such report on the case as he may think fit.

Surrender of fugitive to foreign State by warrant of High Commissioner.

9. If any Court of Assistant Commissioner commits a fugitive criminal to prison, it shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for his release if he can show good and sufficient ground therefor.

Upon the expiration of the said fifteen days, or, if application for release is made, after the decision of the Special Court or the Court of the Resident Commissioner upon such application as the case may be, or after such further period as may be allowed in either case by the High Commissioner, it shall be lawful for the High Commissioner, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the said Court) to be surrendered to such person as may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be

surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the territory may be re-taken upon an escape.

Discharge of persons apprehended if not conveyed out of territory within two months.

10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the territory within two months after such committal, or, if an application for release is made, after the decision of the Court upon such application, it shall be lawful for the Special Court or the Court of the Resident Commissioner upon application made to it by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the High Commissioner, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

Execution of warrant of Assistant Commissioner.

11. The warrant of an Assistant Commissioner issued in pursuance of this Proclamation may be executed in any part of the territory in the same manner as if the same had been originally issued or subsequently indorsed by an Assistant Commissioner having jurisdiction in the place where the same is executed.

positions to be evidence.

12. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Proclamation.

uthentication of positions nd warrants.

13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purpose of this Proclamation if authenticated in manner provided for the time being by law or authenticated as follows:-

(1) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;

(2) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and if in every case the warrants, depositions, statements, copies, certificates and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of

justice, or some other minister of state: And all courts of justice, justices, and commissioners shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Criminal surrendered by foreign state not triable for previous crime.

14. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in the territory, would be (by whatever name designated by the law of the territory) one of the crimes described in the first schedule to this Proclamation is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's Dominions or Protectorates other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

As to the use of forms in second Schedule.

15. The forms set forth in the second Schedule to this Proclamation or forms as near thereto, as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Power of foreign state to obtain evidence in territory.

16. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her late Majesty, chapter one hundred and thirteen, intituled "An Act to provide for taking evidence

in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals";

which Act shall for this purpose apply to and be in force within the territory and all the provisions of that Act shall be construed as if the term "Colony or Possession" included a Protectorate, and as if the term "civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

Power of taking evidence for foreign criminal matters.

17. The High Commissioner may, by order under his hand require any Court of Assistant Commissioner to take evidence for the purposes of any criminal matter pending in any court or tribunal in any foreign state; and such court upon the receipt of such order, shall take the evidence of every witness appearing before it for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the deposition so taken that such evidence was taken before it, and shall transmit the same to the High Commissioner; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions

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as he may in the case of a charge preferred for an indictable offence.

Every person who wilfully gives false evidence before a magistrate under this section shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

18. For the purposes of this Proclamation every constitutent part of a foreign state and every colony, dependency or Protectorate of and every vessel of that state, shall be deemed to be within the jurisdiction of and to be part of such foreign state.

19. In this Proclamation, unless the context otherwise requires:-

The term "crime in respect of which surrender may be granted" means a crime which would be punishable by the law of the territory if committed in the territory and which would (by whatever name designated by the law of the territory) be one of the crimes described in the first schedule to this Proclamation.

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any crime or of being accessory before or after the fact of any such crime, shall be deemed for the purposes of this Proclamation to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a con-

-viction -

conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy.

Fugitive Criminal.

The term "fugitive criminal" means any person accused or convicted of a crime in respect of which surrender may be granted committed within the jurisdiction of any foreign state who is in or is suspected of being in or on the way to some part of the territory, and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of that state.

Fugitive Criminal of a foreign State.

Assistant Commissioner.

The term "Assistant Commissioner" includes an Acting Assistant Commissioner.

Diplomatic Representative.

The term "diplomatic representative of a foreign state" includes any person recognised by the High Commissioner as a Consul-General, Consul or Vice-Consul, or as the Officer administering the Government of any possession, dependency or Protectorate of that state.

Oath.

The term "oath" includes affirmation.

Warrant.

The term "warrant" in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime.

Gazette.

The term "Gazette" means the Official Gazette of the High Commissioner for South Africa.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg

- this -

this 5th day of March one thousand
nine hundred and eight.



Selmes

High Commissioner.

By Command of His Excellency the High Commissioner.

J. J. Buttenick

for Imperial Secretary.

THE FIRST SCHEDULE.

List of Crimes.

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against bankruptcy law or any indictable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud by a bailee, made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grevious bodily harm.

Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

Offences against the Slave Trade Act, 1873, or otherwise in connection with the Slave Trade, committed on the high seas or on land or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them, or under any Act amending or substituted for the same:-

24 and 25 Vict. c. 96. Larceny.

24 and 25 Vict. c. 97 Malicious injuries to property

24 and 25 Vict. c. 98. Forgery.

24 and 25 Vict. c. 99. False coining.

24 and 25 Vict. c. 100. Murder and other offences against the person.

Bribery.

Any other crime from time to time added by Act of Parliament to the list of crimes in the First Schedule to the Extradition Act 1870.

SECOND SCHEDULE.

Form of Order of High Commissioner to the Assistant Commissioner.

To the Assistant Commissioner

at

WHEREAS, in pursuance of an arrangement with

referred to in a notice in the Gazette dated the day of a requisition has been made to me,

High Commissioner for South Africa

by the diplomatic representative of

for the surrender of

late of

accused (or convicted) of the commission of the crime of

within the jurisdiction of

Now I hereby, by this my order under my hand and seal, signify to you that such a requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions

- of -

of The Fugitive Criminals Surrender Proclamation 1908 relating to the issue of such warrant, are in your judgment complied with.

GIVEN under the hand of the undersigned, High Commissioner for South Africa, this day of 19 .

High Commissioner.

Form of Warrant of Apprehension by Order of High Commissioner.

To all and each of the constables of the police force.

WHEREAS the High Commissioner for South Africa by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of
h to of
accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said
pursuant to the Fugitive Criminals Surrender Proclamation 1908 wherever he may be found in the Territory of Swaziland and bring him before me or some other Assistant Commissioner to show cause why he should not be surrendered in pursuance of the said Proclamation for which this shall be your Warrant.

Given under my hand at
this day of 19 .

Assistant Commissioner.

- Form -

Form of Warrant of Apprehension without Order of High Commissioner.

To all and each of the constables of the police force.

WHEREAS it has been shown to the undersigned, that late of is accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His Majesty's name forthwith to apprehend the said

and to bring him before me or some other Assistant Commissioner to be further dealt with according to law, for which this shall be your warrant.

Given under my hand at this day of 19 .

Assistant Commissioner.

Form of Warrant of Committal.

To

one of the constables of the police force of

and to the keeper of the

Be it remembered that on this

day of in the year of our Lord

. ldte of

is brought before me an Assistant Commissioner for

to show cause why he should not be surrendered in pursuance of the Fugitive Criminals Surrender Proclamation 190 on the ground of his being accused (or convicted) of the commission of the crime of within the jurisdiction of and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Proclamation.

This is therefore to command you the said constable in His Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at , and you the said keeper to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Proclamation, for which this shall be your warrant.

- Given -

Given under my hand at

this day of 19 .

Assistant Commissioner.

Form of Warrant of High Commissioner for Surrender of Fugitive.

To the keeper of and

to .

WHEREAS late of

accused (or convicted) of

the commission of the crime of

within the jurisdiction of was delivered

into the custody of you

the keeper of by warrant dated

pursuant to the Fugitive Criminals Surrender Proclamation 1908 .

Now I do hereby, in pursuance of the said Proclamation order you the said keeper to deliver the body of the said

into the custody of the said

- and -

and I command you the said
to receive the said
into your custody, and to convey him within the jurisdiction of the said
and there place him in the custody of any person or persons appointed by the said
to receive him, for which this shall be your warrant.

Given under the hand of the undersigned, High Commissioner for South Africa, this
day of 19 .

High Commissioner.

No. 16 of 1908.

C. O.
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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to make provision for the surrender of fugitive criminals in the territory within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899 (hereinafter referred to as "the territory"):

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Short title and date of taking effect.

1. This Proclamation may be cited as "The Fugitive Criminals Surrender Proclamation 1908" and shall have force and take effect from the date of its publication in the Gazette.

Where an arrangement for surrender of criminals made Proclamation to apply.

2. Where an arrangement has been made between His Majesty The King and the ruler of a foreign state under which the territory is to surrender to that State or to its Protectorates any fugitive criminals, the High Commissioner may by notice in the Gazette direct that this Proclamation shall apply in the case of that State during the continuance of the arrangement and after such notice has been published in the Gazette this Proclamation shall subject to the terms of the arrangement apply accordingly.

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No such notice shall remain in force for any longer period than the arrangement, and the High Commissioner may by the same or any subsequent notice limit the application of this Proclamation or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Restrictions on surrender of criminals.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

(1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Magistrate [before whom he is brought on habeas corpus, or any similar writ or proceeding,] or to the High Commissioner that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character:

(2) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the territory, be detained or tried in that foreign state for any offence committed prior to his surrender other than the crime proved by the facts on which the surrender is grounded:

(3) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which the surrender is asked, or is

undergoing sentence under any conviction in the territory, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Liability of criminal to surrender.

4. Where this Proclamation applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of the territory shall be liable to be apprehended and surrendered in manner provided by this Proclamation whether the crime in respect of which the surrender is sought was committed before or after the coming into operation of this Proclamation, and whether there is or is not any concurrent jurisdiction in any court of His Majesty's dominions or of the territory over that crime.

Order of High Commissioner for issue of warrant if crime is not of a political character.

5. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the territory shall be made to the High Commissioner by some person recognised by the High Commissioner as a diplomatic representative of that foreign state. The High Commissioner may by order under his hand signify to a magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the High Commissioner is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also

at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

Issue of warrant by magistrate.

6. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in or on the way to the territory may be issued:-

(1) By a magistrate on the receipt of the said order of the High Commissioner and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in the territory; and

(2) By a magistrate on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the territory in which he exercises jurisdiction.

Any magistrate issuing a warrant under this section without an order from the High Commissioner shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the High Commissioner who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal apprehended on a warrant issued without the order of the High Commissioner shall be discharged by the Magistrate, unless the Magistrate, within

within such reasonable time, as with reference to the circumstances of the case, he may fix, receives from the High Commissioner an order signifying that a requisition has been made for the surrender of such criminal.

Hearing of case and evidence of political character of crime.

7. When a fugitive criminal is brought before the magistrate, the magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in the territory.

The magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not a crime in respect of which his surrender may be granted.

Committal or discharge of prisoner.

8. In the case of a fugitive criminal accused of a crime in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Proclamation) would, according to the law of the territory justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the territory, the magistrate shall commit him to prison, but otherwise shall order him to be discharged.

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In the case of a fugitive criminal alleged to have been convicted of a crime in respect of which his surrender may be granted if such evidence is produced as (subject to the provisions of this Proclamation) would according to the law of the territory prove that the prisoner was convicted of such crime, the magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to a prison or other place of safe custody in the territory there to await the warrant of the High Commissioner for his surrender, and shall forthwith send to the High Commissioner a certificate of the committal and such report on the case as he may think fit.

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9. If the magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for his release if he can show good and sufficient ground therefor.

Upon the expiration of the said fifteen days, or, if application for release is made after the decision of the High Court or the Administrator's Court upon such application as the case may be, or after such further period as may be allowed in either case by the High Commissioner, it shall be lawful for the High Commissioner, by warrant

- under -

under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the said Court) to be surrendered to such person as may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant: and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against laws of the territory may be re-taken upon an escape.

Discharge of persons apprehended if not conveyed out of Territory within two months.

10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Territory within two months after such committal, or, if application for release is made after the decision of the Court upon such application it shall be lawful for the High Court or the Administrator's Court upon application made to it by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the High Commissioner to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

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II. The warrant of the Magistrate issued in pursuance of this Proclamation may be executed in any part of the Territory in the same manner as if the same had been originally issued or subsequently indorsed by a Magistrate having jurisdiction in the place where the same is executed.

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e evidence

12. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Proclamation.

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13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purpose of this Proclamation if authenticated in manner provided for the time being by law or authenticated as follows:-

(1) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;

(2) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of

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the foreign state where the conviction took place;

and

if in every case the warrants, depositions, statements, copies, certificates and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the Minister of Justice, or some other Minister of State: And all courts of Justice, Justices and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

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14. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in the Territory would be (by whatever name designated by the law of the Territory) one of the crimes described in the first Schedule to this Proclamation is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's Dominions or Protectorates other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

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15. The forms set forth in the second Schedule to this Proclamation or forms as near thereto, as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

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ritory.

16. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her late Majesty, chapter one hundred and thirteen, intituled "An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals"; which Act shall for this purpose apply to and be in force within the Territory and all the provisions of that Act shall be construed as if the term "Colony or Possession" included a Protectorate, and as if the term "civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

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tters.

17. The High Commissioner may, by order under his hand require a magistrate to take evidence for the purposes of any criminal matter pending in any court or tribunal in any foreign state; and the magistrate upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the High Commissioner; such evidence may be taken in the presence or absence of the person

charged

charged, if any, and the fact of such presence or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence.

Every person who wilfully gives false evidence before a magistrate under this section shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

Foreign state includes dependencies.

18. For the purposes of this Proclamation every constituent part of a foreign state and every colony, dependency or protectorate of and every vessel of that state, shall be deemed to be within the jurisdiction of and to be part of such foreign state.

Definition of terms.

19. In this Proclamation, unless the context otherwise requires:-

Crime in respect of which surrender may be granted.

The term "crime in respect of which surrender may be granted" means a crime which would be punishable by the law of the Territory if committed in the Territory and which would (by whatever name designated by the law of the Territory) be one of the crimes described in the first schedule to this Proclamation.

Provided

Provided that every person who is accused or convicted of having counselled, procured, commanded aided, or abetted the commission of any crime or of being accessory before or after the fact of any such crime, shall be deemed for the purposes of this Proclamation to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

Conviction.

The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy.

Fugitive Criminal.

The term "fugitive criminal" means any person accused or convicted of a crime in respect of which surrender may be granted committed within the jurisdiction of any foreign state who is in or is suspected of being in or on the way to some part of the Territory

Fugitive Criminal of a Foreign state

and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of that state.

Magistrate.

The term "Magistrate" includes an Acting Magistrate.

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Diplomatic Representative.

The term "diplomatic representative of a foreign state" includes any person recognised by the High Commissioner as a Consul General, Consul or Vice-Consul, or as the Officer administering the Government of any possession, dependency, or Protectorate of that state.

Oath.

The term "oath" includes affirmation.

Warrant

rant

ette.

The term "warrant" in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime.

The term "Gazette" means the Official Gazette of the High Commissioner for South Africa.

GOD SAVE THE KING!

Given under my hand and seal at Johannesburg this 5th day of March one thousand nine hundred and eight.



Selborne

High Commissioner.

y ... Excellency the High Commissioner.

J. J. Shutinck

for Imperial Secretary.

THE FIRST SCHEDULE

List of Crimes.

Murder and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against bankruptcy law or any indictable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud by a bailee, made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt , by two or more persons on board a ship on the high seas against the authority of the master.

Offences against the Slave Trade Act, 1873, or otherwise in connection with the Slave Trade, committed on the high seas or on land or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them, or under any Act amending of substituted for the same :-

24 and 25 Vict. c. 96. Larceny.

24 and 25 Vict. c. 97. Malicious injuries to property.

24 and 25 Vict. c. 98. Forgery.

24 and 25 Vict. c. 99. False coining.

24 and 25 Vict. c. 100. Murder and other offences against the person.

Bribery.

Any other crime from time to time added by Act of Parliament to the list of crimes in the First Schedule to the Extradition Act 1870.

SECOND SCHEDULE.

Form of Order of the High Commissioner to the Magistrate.

To the Magistrate at

WHEREAS, in pursuance of an arrangement with referred to in a notice in the Gazette dated the day of a requisition has been made to me, High Commissioner for South Africa by the diplomatic representative of for the surrender of late of accused (or convicted) of the commission of the crime of within the jurisdiction of

Now I hereby, by this my order under my hand and seal, signify to you that such a requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of The Fugitive Criminals Surrender Proclamation 1908 relating to the issue of such warrant, are in your judg - ment complied with.

- Given -

Given under the hand of the undersigned High Commissioner for South Africa this day of 19 .

High Commissioner.

Form of Warrant of Apprehension by Order of High Commissioner.

To all and each of the constables of the police force.

WHEREAS the High Commissioner for South Africa by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of late of accused (or convicted of the commission of the crime of within the jurisdiction of

- This -

This is therefore to command you in His Majesty's name forthwith to apprehend the said pursuant to The Fugitive Criminals Surrender Proclamation 1908 wherever he may be found in the Territory of Barotziland - North Western Rhodesia and bring him before me or some other magistrate to show cause why he should not be surrendered in pursuance of the said Proclamation for which this shall be your Warrant.

Given under my hand at
this day of 190 .

Magistrate.

Form of Warrant of Apprehension without Order of High Commissioner

To all and each of the constables of the police force.

WHEREAS it has been shown to the undersigned, that late of is accused (or convicted) of the commission of the crime of within the jurisdiction of

This is therefore to command you in His -Majesty -

Majesty's name forthwith to apprehend the said
and to bring him before me
or some other magistrate to be further dealt with
according to law, for which this shall be your
warrant.

Given under my hand at
this day of 19 .

Magistrate.

Form of Warrant of Committal.

To one of the constables
of the police force of and
to the keeper of the

Be it remembered that on this
day of in the year of Our Lord
late of is
brought before me a magistrate for
to show cause why he should not be surrendered in
pursuance of the Fugitive Criminals Surrender
Proclamation 1908 on the ground of his being
- accused -

accused (or convicted) of the commission of the crime of within the jurisdiction of and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Proclamation.

This is therefore to command you the said constable in His Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at , and you the said keeper to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Proclamation for which this shall be your warrant.

Given under my hand at this day of 190 .

magistrate.

Form of Warrant of High Commissioner for Surrender of Fugitive.

To the keeper of and

- to -

to

WHEREAS late of

accused (or convicted)

of the commission of the crime of

within the jurisdiction of was

delivered in to the custody of you

the keeper of

by warrant dated pursuant to

the Fugitive Criminals Surrender Proclamation 1908.

Now I do hereby, in pursuance of the said Proclamation order you the said keeper to deliver the body of the said into the said custody of the said and I command you the said to receive the said into your custody, and to convey him within the jurisdiction of the said and there place him in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

Given under the hand of the undersigned High Commissioner for South Africa this day of 19 .

High Commissioner.

No. 17 of 1908.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient that an export duty be imposed on the exportation of any Angora ram or ewe from the Bechuanaland Protectorate (hereinafter referred to as "the Protectorate") save in the case of the exportation of such animals to any colony or territory in South Africa wherein by statute a duty of like amount is imposed on the exportation of such animals therefrom:-

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Duty on export of Angora rams and ewes.

1. Upon every Angora ram or ewe exported from the Protectorate after the date of the taking effect of this Proclamation there shall be payable save as herein provided to the officer appointed to receive the same a duty of one hundred pounds: provided always that no such duty shall be payable on the export of any such ram or ewe to any Colony or Territory in South Africa whether British or not as soon as the High Commissioner shall give notice in the Gazette that such Colony or Territory has by statute provided for the imposition of a duty on the export of Angora rams and ewes not less than the amount imposed by this Proclamation or has placed restrictions on such export not less stringent than those placed by this Proclamation.

Penalties for contravention of proclamation

2. Every person who shall export from the Protectorate any Angora ram or ewe (save as in this Proclamation

- provided)-

provided) without payment of the duty imposed thereby shall be liable on conviction in addition to the duty to a fine of not less than twenty-five pounds and not exceeding one hundred pounds for every such ram or ewe so exported and in default of payment to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months unless such fine be sooner paid.

Power to make regulations.

3. The High Commissioner may from time to time make alter or rescind regulations for the carrying out of the provisions of this Proclamation.

Short title and date of taking effect.

4. This Proclamation may be cited for all purposes as the Angora Export Duty Proclamation 1908 and shall have force and take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this 7th day of March one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

J. P. Rentsch

for Imperial Secretary.

No. 18 of 1908.

18.
08

SANCTIONED

C. O.
12872
Rec'd
Rfd 11 APR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient that an export duty be imposed on the exportation of any Angora ram or ewe from the territory of Swaziland (hereinafter referred to as "the Territory") save in the case of the exportation of such animals to any Colony or Territory in South Africa wherein by statute a duty of like amount is imposed on the exportation of such animals therefrom:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Duty on export of Angora rams and ewes.

1. Upon every Angora ram or ewe exported from the Territory after the date of the taking effect of this Proclamation there shall be payable save as herein provided to the officer appointed to receive the same a duty of one hundred pounds: provided always that no such duty shall be payable on the export of any such ram or ewe to any Colony or Territory in South Africa whether British or not as soon as the High Commissioner shall give notice in the Gazette that such Colony or Territory has by statute provided for the imposition of a duty on the export of Angora rams and ewes not less that the amount imposed by this Proclamation or has placed restrictions on such export not less stringent than those placed by this Proclamation.

Penalties for contravention of Proclamation.

2. Every person who shall export from the Territory any Angora ram or ewe (save as in this Proclamation provided) without payment of the duty imposed thereby shall

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be liable on conviction in addition to the duty to a fine of not less than twenty-five pounds and not exceeding one hundred pounds for every such ram or ewe so exported and in default of payment to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months unless such fine be sooner paid.

Power to make regulations.

3. The High Commissioner may from time to time make alter or rescind regulations for the carrying out of the provisions of this Proclamation.

Short title and date of taking effect

4. This Proclamation may be cited for all purposes as The Angora Export Duty Proclamation 1908 and shall have force and take effect — from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 7th day of March one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

19/08.

C. O. 11877

Rec'd Reg'd 4 APR 08

19 of 1908

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS in the year 1898 a verbal agreement was entered into between the Rhodesia Railways Limited (hereinafter called the "Company") and Khama Chief of the Bamangwato Tribe (hereinafter called the "Chief") whereby the Chief undertook to transfer to the Company certain areas of land within his territory which lands are more particularly described in the Schedule to this Proclamation:

AND WHEREAS diagrams of the areas to be transferred as aforesaid were submitted to the Chief in the year aforesaid and signed by him and such areas have been recently beaconed off and the Chief has in the present year confirmed his signature to the said diagrams and the verbal agreement aforesaid entered into by him with the Company:

AND WHEREAS it is expedient that special provision should be made to give effect to such agreement by enabling the Company to obtain registered title of the said areas inasmuch as the execution of deeds of transfer by the Chief cannot conveniently be obtained:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known

as follows:-

1. The areas of land which prior to the date of the taking effect of this Proclamation were the property of the Chief and are more particularly described in the Schedule hereto and delineated on diagrams signed by the Chief in the year 1898 in the presence of the Assistant Commissioner at Palapye and filed in the office of the Resident Commissioner of the Bechuanaland Protectorate shall from and after the date of the taking effect of this Proclamation be transferred to and vested in the Company for railway purposes and the officer charged with the duty of registering titles to land within the Bechuanaland Protectorate shall notwithstanding anything contained in any law or regulation in force in the Protectorate relative to registration of title to land cause the said areas to be transferred in his register into the name of the Company subject however to the payment of transfer duty stamp duty and other registration charges payable under the laws of the Protectorate on transfers or registration of title to land, and subject also to the provisions of the next succeeding section.

2. If at any time the Company or its successor shall cease to hold for railway purposes any portion of either of the said areas the High Commissioner may give notice to the Company or its successor to re-transfer according to law within the time fixed by such notice any

- such -

such portion to the Chief or his successor and to pay any transfer stamp duty or other registration charges payable under the laws of the Protectorate on transfers or registration of title to land: and if the Company or its successor shall make default in complying with such notice the registration officer aforesaid shall upon the certificate of the Resident Commissioner that such notice has not been complied with re-transfer any such portion to the Chief and recover from the Company or its successor by action in a competent court the transfer duty stamp duty or registration charges which are payable by a transferee of title to land under the laws of the Protectorate but which in accordance with this section are made payable by the transferor.

3. The term "railway purposes" as used in the Proclamation shall mean any purposes connected with the construction maintenance or working of a railway and shall include the obtaining of a supply of water for the use of a railway or any locomotive engine or rolling stock used upon or in connection with a railway.

4. This Proclamation shall have force and take effect from the date of its first publication in the Gazette.

GOD SAVE THE KING!

Given

Given under my hand and seal at Pretoria

this 11th day of March one thousand

nine hundred and ~~twenty~~ Eight



Sellorne

High Commissioner

By Command of His Excellency the High Commissioner.

for Imperial Secretary.

S C H E D U L E.

1. An area situate on either side of the hundred yards railway-strip at Palapye Siding in extent fifty-eight morgen and four hundred and forty-four square roods as at present indicated by beacons on the ground.

2. An area situated on either side of the hundred yards railway-strip at Magalapye Station in extent seventy-one morgen and four hundred and seventy-six square roods as at present indicated by beacons on the ground.

No. 20 of 1908.

C. O.
11881
Recd
Recd 4 APR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS in connection with the removal of Sekgoma Letsholathebe from the chieftainship of the tribe known as the Batawana and dwelling within the Bechuanaland Protectorate, certain disputes involving questions of native law and custom have arisen between the said Sekgoma and other members of the said tribe including Mathibi the present chief with respect to the ownership of cattle and other property:

AND WHEREAS the evidence of a great number of members of the said tribe will be required for the purpose of determining such disputes and such evidence cannot conveniently be taken except at Tsau the headquarters of the said tribe:

AND WHEREAS it is expedient to appoint a Special Commissioner having an intimate knowledge of native law and custom for the purpose of hearing and finally determining such disputes at Tsau:

- AND -

AND WHEREAS in order to preserve peace and order in the said tribe it is expedient to secure the prompt settlement of such disputes and for that purpose to fix a limit of time within which all claims relating thereto must be brought before such Special Commissioner for his determination:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. It shall be lawful for the High Commissioner to appoint a Special Commissioner (herein referred to as "the Special Commissioner") to hold a Court at Tsau for the purpose of trying and finally determining all actions the causes of which have arisen before the date of this Proclamation in which any claim is made to the ownership of cattle or other property either

(a) by or on behalf of the said Sekgome against any other member of the said Batawana tribe or

(b) by or on behalf of any other member of the said Batawana tribe against the said Sekgome.

For the purpose of trying and determining such actions the Special Commissioner shall act as the Assistant Commissioner for the district and shall have and exercise the same jurisdiction powers and authority as such Assistant Commissioner.

2. Upon the date of the appointment of the Special Commissioner all proceedings in any such action as is in

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the preceding section mentioned which may be pending in any Court of the Bechuanaland Protectorate shall be taken to be transferred to the Court to be held by the Special Commissioner and shall thereafter be dealt with and determined by such Court, and from and after such date no other Court shall have jurisdiction in any such action.

3. All such actions as aforesaid which are not transferred under the preceding section to the Court to be held by the Special Commissioner shall be commenced in such Court not later than the fifteenth day of July 1908. Any such action as aforesaid which has not been so transferred and is not commenced on or before the said date shall be finally barred, and shall not be maintainable in any Court.

4. The Special Commissioner shall proceed without delay to the trial and determination of any such action as aforesaid transferred to or commenced in his Court, and every judgment or order given or made by the Special Commissioner in any such action shall be final and there shall be no appeal therefrom.

5. This Proclamation shall take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

- GIVEN -

GIVEN under my Hand and Seal at Johannesburg this 12 th day of March one thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

21.
08.

No. 21 of 1908.

SANCTIONED

C.O
13831
Recd & Read 18 APR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the law regulating the possession of arms and ammunition and the dealing therein in Swaziland:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

1. The Arms and Ammunition Ordinance 1902 of the Transvaal shall be and is hereby repealed as regards its application to Swaziland; provided that whenever in any other law in force in Swaziland reference is made to the said Ordinance or to any specific provision thereof such reference shall be deemed to be a reference to this Proclamation or to any provision of this Proclamation corresponding to such specific provision as circumstances may require.

2. In this Proclamation unless inconsistent with the context

"ammunition" shall mean and include any cartridges (loaded or unloaded) bullets gunpowder percussion caps and any other articles used in the discharge of arms;

- "area" -

"area" shall mean an area defined by the High Commissioner under section eleven of the Swaziland Administration Proclamation 1907 as the area within which a Court of Assistant Commissioner shall have and exercise jurisdiction or such portion thereof as the Resident Commissioner may appoint under section three of this Proclamation;

"arm" or "arms" shall mean and include any gun rifle revolver pistol or other firearm not being a cannon or any material part of any arm as herein defined but shall not include an arm bona fide kept as a curio;

"cannon"shall mean and include any firearm which is ordinarily moved by vehicular or animal transport and is ordinarily fired from the ground or a fixed platform; but shall not include a cannon bona fide kept as a curio;

"cannon ammunition" shall include all ammunition as herein defined which is used in the discharge of cannon;

"dealer's license" shall mean the license issued in accordance with section eight of this Proclamation to deal in arms and ammunition;

"gunpowder" shall include all explosives used in the discharge of arms;

"license" shall mean exclusively a license to possess arms issued under section three of this Proclamation;

"licensed dealer" shall mean a person duly licensed in accordance with section eight or nine of this Proclamation to deal in arms and ammunition;

"license holder" shall mean exclusively a person duly licensed under section three to possess arms;

"rifle" shall mean any arm with one or more rifled barrels which is capable of being fired from the shoulder save and except such rifles (commonly called rook rifles or saloon rifles) as the Resident Commissioner may by notice in the Gazette exclude from the scope of this definition;

"police officer" shall mean any member of a police force lawfully established in Swaziland.

3. (1) No person shall have in his custody or possession any arm without a license signed by an Assistant Commissioner or such other person as the Resident Commissioner may by notice in the Gazette appoint to issue in any area named in such notice licenses to possess arms; and any person who shall have in his custody or possession any arm without a license shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment;

provided always that every license to possess arms in Swaziland issued under the Arms and Ammunition Ordinance 1902 of the Transvaal shall be deemed to be valid for the purposes of this section until the expiry of the period for which it was issued and

that nothing in this sub-section contained shall be deemed to apply to any licensed dealer nor to any person while actually employed by any such dealer to carry or convey arms for the purposes of his trade nor to any person who is entrusted by a license holder with the temporary use or custody of any arm named in such license; provided further that any person who by the death of a license holder shall become entitled to possess any such arm as is named in such license shall be free from the obligation to obtain a license therefor until one month after the date of such arm coming into his possession.

(2) Every license shall be in the form set forth in the First Schedule to this Proclamation and shall be issued by the Assistant Commissioner or such other person as aforesaid on application provided that

(a) it shall be lawful for such Assistant Commissioner or other person to refuse such application without reason assigned;

(b) no license shall be issued to a native without the sanction of the Resident Commissioner;

(c) no license shall be issued to any coloured person other than a native without the sanction of the Resident Commissioner;

(d) every license issued to a native or coloured person without the sanction first obtained

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of the Resident Commissioner shall be null and void;

(e) the Assistant Commissioner or such other person shall forthwith report to the Resident Commissioner every case in which he refuses an application for a license to possess any arm with his reason for such refusal and the Resident Commissioner after consideration of such report may if he sees fit order the license to be issued.

(3) There shall be payable for licenses the following fees:-

(i) In respect of a rifle; ten shillings.

(ii) In respect of any other firearm; five shillings.

(4) Every license shall remain valid so long as the arm in respect of which such license was issued shall not have been transferred by the license holder to any other person except for such temporary use or custody as in sub-section (1) of this section is mentioned; provided that it shall be lawful for the High Commissioner to revoke any license to possess a rifle or revolver on his being satisfied that the continued possession of such rifle or revolver by the license holder constitutes a danger to the peace or unduly interferes with the proper administration of any law for the preservation of game and upon such revocation such license holder shall within fourteen days after the date of the receipt by him of notice of such revocation surrender to the Assistant Com-

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Commissioner of the area in which he resides or to such other person as may be named in such notice every rifle or revolver and all rifle or revolver ammunition then in his possession and if such license holder fail to comply with the requirements of such notice he shall be guilty of an offence and shall be liable on conviction to the penalties prescribed by sub-section (1) of this section.

4. (1) Whenever any arm for a license to possess which application is made is not marked with such name or figure or in such other manner that it may be readily identified the Assistant Commissioner or other person to whom such application is made shall before granting the same require the applicant to produce to him the said arm and thereupon cause the same to be stamped (but so as not to injure or disfigure it) with such distinctive letter or mark for the area in which the license is issued as shall be notified by the Resident Commissioner in the Gazette: such letter or mark shall be set forth on the license and such arm so duly marked shall with such license be delivered to the applicant.

(2) If any person shall wilfully obliterate deface alter counterfeit or forge any letter or mark stamped on any arm in accordance with this section or with any provision of the Arms and Ammunition Ordinance 1902 of the Transvaal or shall stamp any arm with any letter or mark resembling or intended to resemble any letter or mark stamped or used by such Assistant Commissioner or other person or stamped on

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any arm under the said Ordinance with intent to expose any person to any penalty or to defraud the public revenue of any fee payable under this Proclamation or with intent to commit any other fraud such person shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

5. (1) Every Assistant Commissioner or other person appointed to issue licenses in any area shall keep a register of all licenses issued by him in such form and manner as the Resident Commissioner may from time to time prescribe and it shall be lawful for any police officer not below the rank of sergeant or any other police officer authorised in writing by such first-named officer to inspect such register at any time during office hours and to take any copy or extract therefrom.

(2) Every Assistant Commissioner shall on or before the thirty-first day of January and thirty-first day of July in every year make a return to the Resident Commissioner in the form prescribed by him from time to time of all licenses to possess rifles issued within his area during the half-year ending the thirty-first day of December and thirtieth day of June immediately preceding.

6. If any license shall be lost defaced or destroyed the Assistant Commissioner for the area in which the

person to whom such license was issued resides shall on application by such person and on such Assistant Commissioner being satisfied of the fact of such loss defacement or destruction grant to such person a certificate in the form set forth in the Second Schedule to this Proclamation and such certificate shall be of the same validity as the license so lost or defaced or destroyed.

7. (1) No person shall import into Swaziland any rifle or rifle ammunition without an importer's license signed by an Assistant Commissioner and such license shall be issued free of charge and shall be in the form set forth in the Third Schedule to this Proclamation.

(2) The provisos set forth in sub-section (2) of section three of this Proclamation shall mutatis mutandis apply in respect of the issue of an importer's license under this section.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment.

8. (1) No person shall deal in arms or ammunition without a dealer's license signed by the Assistant Commissioner for the area in which are situate the premises in which he intends so to deal. Such dealer's license shall be in the form set forth in

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the Fourth Schedule to this Proclamation and shall whenever issued expire on the thirty-first day of December next succeeding the date of its issue; provided that no such license shall authorise the holder thereof to deal in arms or ammunition in more than one shop or store which shop or store shall be named in such license.

(2) No dealer's license shall be issued by an Assistant Commissioner unless he shall be satisfied that

(a) the applicant for such license is a fit and proper person to deal in arms and ammunition; and that

(b) such premises are suitable for the storage of arms and ammunition and reasonably safe for such purpose;

nor unless the Resident Commissioner shall signify in writing his sanction to the issue of such license; and every dealer's license issued by an Assistant Commissioner without such sanction first obtained shall be null and void.

(3) There shall be payable in respect of every dealer's license taken out before the thirtieth day of June of any year the sum of twenty pounds and in respect of any dealer's license taken out after that date the sum of ten pounds.

(4) Any person who except under the authority of a dealer's license has in his custody or possession any arms or ammunition for the purposes of dealing in the same or sells any arm or ammunition shall whether

such custody possession or sale be as principal or agent be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and such imprisonment; provided always that nothing in this section contained shall be deemed to expose to any penalty

(a) a person licensed under this Proclamation to possess any arm or any auctioneer employed by him to sell the same and ammunition therefor by public auction; or

(b) any person acting under the authority of a court of law; or

(c) any customs officer in the exercise or discharge of his duties or any auctioneer employed by such customs officer

in respect of the sale of any arms or ammunition to any person; provided further that no arms so sold shall be delivered to the purchaser until such purchaser not being a licensed dealer has obtained a license to possess the same; provided also that every license to deal in arms or ammunition in Swaziland issued under the Arms and Ammunition Ordinance 1902 of the Transvaal shall be deemed to be valid for the purposes of this section until the expiry of the period for which it was issued.

9. No transfer or assignment of any dealer's license shall be effected unless the Assistant Commissioner for

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the area in which the person to whom the license is to be transferred or assigned resides shall be satisfied that

(a) he is a fit and proper person to deal in arms and ammunition; and that

(b) the premises in which he intends so to deal are suitable for the storage of arms and ammunition and reasonably safe for such purpose;

nor unless the Resident Commissioner shall signify in writing his sanction to the transfer or assignment of such license. Every such transfer or assignment shall be effected by endorsement on such dealer's license signed by the transferor or assignor and countersigned by such Assistant Commissioner and shall bear a revenue stamp of the value of one pound which shall be defaced by such Assistant Commissioner in manner prescribed by law for the defacement of stamps on documents liable to stamp duty.

10. If any licensed dealer desires to deal in arms and ammunition at any premises other than those for which he is licensed so to deal he shall apply to the Assistant Commissioner for the area in which such other premises are situate; and such Assistant Commissioner if satisfied that such other premises are suitable for the storage of arms and ammunition and reasonably safe for such purpose shall on the production to him of the Resident Commissioner's written sanction of the application endorse on such license a statement that from the date therein specified such license is no longer valid for the premises originally described in such license but is until the date of the

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expiry of such license valid for such other premises; and every such endorsement made by an Assistant Commissioner without such sanction shall be of no force and effect.

11. (1) Every licensed dealer shall cause to be painted on a conspicuous place on the walls or on a board affixed to a conspicuous place on the walls outside and over or near the door of the premises in respect of which he is licensed in letters publicly visible and legible at least one inch long his name in full or in case of a firm or partnership the name or style of the firm or partnership or in the case of a registered company the registered name of such company and after such name or style the words "licensed dealer (or dealers) in arms and ammunition"; and any such licensed dealer failing to comply with any requirement of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days or to both such fine and such imprisonment.

(2) every person other than a licensed dealer who shall paint on his premises or give any other notice importing that he does deal in arms or ammunition or is licensed so to deal shall be guilty of an offence and shall be liable on conviction to the penalties in section eight of this Proclamation provided.

12. (1) Every licensed dealer shall keep a register in such form as the Resident Commissioner may from time to time prescribe of all rifles and rifle ammunition received by him for the purpose of sale subsequent to the date of the taking effect of this Proclamation and shall record in such register every sale or other mode of disposal of any such rifle or ammunition and the names and addresses of the persons to whom the same were delivered in pursuance of such sale or other transaction.

(2) Every licensed dealer shall on or before the fifteenth day of January and the fifteenth day of July in every year make a return in such form as the Resident Commissioner may from time to time prescribe to the Assistant Commissioner for the area in which such person is so dealing of all rifles and rifle ammunition received or disposed of by him during the half-year ending the thirty-first day of December and thirtieth day of June immediately preceding.
Such return shall be in duplicate and one such return shall be retained by such Assistant Commissioner and the duplicate transmitted by him to the Resident Commissioner.

(3) Any licensed dealer who shall fail to comply with any requirement of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two months or to both such fine and such imprisonment.

13. The register kept by a licensed dealer in accordance with the preceding section shall at all reasonable times be open to the inspection of any police officer not below the rank of sergeant serving in the area in which are situate the premises for which such dealer is licensed and of any other person authorised in writing by such officer or by the Assistant Commissioner for such area; and any such dealer failing to produce such register on demand made by such officer or other person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment; provided that no penalty shall be imposed on any licensed dealer for failure to produce such register in any case where he shall prove to the satisfaction of the court before which he is tried that the said register has been lost or destroyed without negligence or wilful default on his part.

14. Any licensed dealer who shall make any false entry in the register kept by him or in any return made by him in accordance with section twelve of this Proclamation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

15. (1) No licensed dealer shall without a permit transport or cause to be transported any arms or

ammunition from the premises in respect of which he is licensed to any other place in or outside Swaziland. Such permit shall be issued on application by any person duly authorised to issue licenses or dealers' licenses in the area within which such premises are situate and a copy thereof shall forthwith be transmitted by the person issuing it to the Assistant Commissioner for the area in which such other place is situate or if such place be outside Swaziland to the Resident Commissioner.

(2) Any licensed dealer contravening the provisions of this section and any person in charge of any arms or ammunition transported as aforesaid who fails to produce on demand made by any police officer a permit to transport such arms or ammunition shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment.

16. Any person who sells transfers or delivers except for temporary custody any arms or ammunition to any native or coloured person who has not obtained a license issued under section three of this Proclamation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and such imprisonment.

17. The High Commissioner may from time to time by notice in the Gazette

(a) prohibit the sale of any arms or ammunition for such arms in any area or portion of any area for such period as may be named in such notice;

(b) prohibit for a like period the importation of any particular description of arms or ammunition into Swaziland;

(c) prohibit for a like period the transportation of any particular description of arms or ammunition from any place in Swaziland to any other place within or outside Swaziland.

And any person who does any act in contravention of the terms of any such notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and such imprisonment.

18. No person shall import into or possess within Swaziland any cannon or cannon ammunition; and any person contravening the provisions of this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one thousand pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and imprisonment.

19. Any police officer not below the rank of sergeant may arrest without a warrant any person who is found in

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possession of any arms or ammunition or any cannon or cannon ammunition in contravention of the provisions of this Proclamation and may seize such arms or ammunition or cannons or cannon ammunition wherever the same may be found.

20. (1) In any prosecution under this Proclamation the burden of proving any fact which would be a defence to the charge made shall lie upon the person charged.

(2) Any person required by this Proclamation to have any license or permit shall be deemed to be without such license or permit unless he shall produce the same to the court or give other satisfactory proof of possessing the same.

(3) Any occupier of premises and any person accompanying any wagon or vehicle in which any arms or ammunition or any cannon or cannon ammunition shall be found shall for the purposes of this Proclamation be deemed till the contrary is proved to be the possessor of such arms or ammunition or cannon or cannon ammunition.

21. In the event of a contravention of this Proclamation by a company the managing director or secretary or person having the management or control in Swaziland of the business of such company shall be liable to the penalties provided for such contravention; and in the event of such contravention by a firm or partnership every member of such firm or partnership shall be liable to the penalties aforesaid; provided that nothing herein contained

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shall be deemed to exempt from such liability any person other than in this section described who may have been guilty of such contravention.

22. In any prosecution for an offence against this Proclamation the court of Assistant Commissioner having jurisdiction shall be empowered to impose the maximum penalties by this Proclamation provided for any such offence.

23. (1) Any arms or ammunition or any cannon or cannon ammunition the subject of a conviction for any offence against this Proclamation may be confiscated on the order of the court before which such conviction is obtained.

(2) All fines imposed and the amount realised by the sale of any arms or ammunition confiscated as aforesaid shall be paid into the general revenue of Swaziland; provided that the court imposing any fine upon a conviction may order that a sum not exceeding one-half of such fine be paid to any person supplying the information on which such conviction was obtained.

24. Nothing in this Proclamation contained shall apply to

(1) any arms or ammunition the property of His Majesty or of the Swaziland Administration and temporarily in the possession of any of the following persons:

(a) a person serving in His Majesty's Regular Forces;

(b) a police officer;

(c) a person serving in a Volunteer corps constituted under the Volunteer Corps Ordinance of 1904 of the Transvaal or any amendment thereof;

(d) a person in the employment of the Swaziland Administration and authorised in writing by the Resident Commissioner to possess such arms or ammunition;

(2) Any arms possessed by and being a part of the prescribed equipment of any commissioned officer of the Regular Forces aforesaid or of any police officer above the rank of superintendent or of a commissioned officer of any such Volunteer Corps aforesaid.

(3) Any cannon or cannon ammunition imported or possessed by or on behalf of the Swaziland Administration or the officer Commanding His Majesty's Regular Forces in South Africa.

25, (1) Notwithstanding anything in this Proclamation contained any Assistant Commissioner or other person appointed to issue licenses in any area may upon the application of any person in charge of stock brought into Swaziland from the Transvaal for winter grazing issue to such person free of charge an exemption certificate in such form as the Resident Commissioner may determine in respect of one firearm provided that

(a) the applicant is the holder of a Transvaal license in respect of such firearm;

(b) the applicant <u>bonâ fide</u> requires such firearm for the protection of the stock of which he is

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in charge.

(2) An exemption certificate shall entitle the person to whom it is issued to possess the firearm therein specified and to use the same for the purpose of protecting the stock in his charge for such period not exceeding nine months as may be stated in the certificate.

(3) The provisos set forth in sub-section two of section three and the provisions of section five of this Proclamation with regard to licenses shall mutatis mutandis apply to exemption certificates.

(4) Any person who uses a firearm in respect of which he holds an exemption certificate for any purpose other than the protection of the stock of which he is in charge shall be guilty of an offence and shall on conviction have his exemption certificate cancelled and be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment.

26. This Proclamation may be cited for all purposes as the Swaziland Arms and Ammunition Proclamation 1908 and shall have force and take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg

- this -

this 20th day of March one thousand

nine hundred and eight

High Commissioner.

By Command of His Excellency the High Commissioner.

Imperial Secretary.

FIRST SCHEDULE.

License to possess an Arm.

FACE.

Name in full Licensee ....

Residence .....

Area .....

Description of arm .....

Marks .....

Issued at .....

Date .....

Signed .....

BACK.

This endorsement to be made by person issuing when license is issued to a native or coloured person.

I certify that the issue of this license has been sanctioned by .....

Signed .....

SECOND SCHEDULE.

Certificate of Loss Defacement or Destruction of License.

Whereas on the . . . . . day of . . . . . a license to possess the following arm . . . . . bearing marks . . . . . was issued by . . . . . to . . . . . of . . . . . .

And whereas it has been proved to my satisfaction that the said license has been . . . . . .

Now I do hereby grant the said . . . . . this certificate to be in lieu of the said license and of the like force and effect.

Given under my hand at . . . . . this . . . . . day of . . . . . .

Signed . . . . . .

Assistant Commissioner.

THIRD SCHEDULE.

License to import Rifle or Rifle Ammunition.

FACE.

Permission is hereby granted to . . . . . .
of .. . . . . to import into Swaziland the
following arms and ammunition . . . . . .
This license will expire on the . . . .
Dated this . . . . . day of . . . . . 19 .

. . . . . .

Assistant Commissioner.

BACK.

This endorsement to be made by person issuing when license is issued to a native or coloured person.

I certify that the issue of this License has been sanctioned by .. . .

Signed . . . . . .

Assistant Commissioner.

FOURTH SCHEDULE.

No. . . . . .

License to Deal in Arms and Ammunition.

FACE.

Permission is hereby granted to . . . . . .
. . . . . of . . . . . .
to deal in Arms and Ammunition at . . . .
. . . . . from the date hereof until the
31st December, 19...

Dated this day of 19 .

. . . . . .

Assistant Commissioner.

BACK.

I certify that the sanction of the Resident Commissioner has been obtained for the issue of this License.

. . . . . .

Assistant Commissioner.

22
'08

22 of 1908.

C. O.
13848
&
18 APR 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to regulate the conditions of Labour Contracts with Natives made by employers in the Territory included within the limits of the "Barotziland-North-Western Rhodesia Order in Council of 1899" (hereinafter referred to as "the territory"):

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

PART I. GENERAL.

Definitions.

1. In this Proclamation if not inconsistent with the context:-

"Native" means any person not of European or American descent who is a native of Africa.

"Native Commissioner" includes an Assistant Native Commissioner only when the latter is deputed by the former to act for him in respect of this Proclamation.

"Administrator" means the Administrator of the territory and includes an acting Administrator.

Proclamation only to apply to employers.

2. This Proclamation is intended to deal with employers only and their contracts with natives for service

- within -

within or without the territory and nothing herein contained shall apply to natives recruited by labour agents who are or ought to be licensed under Proclamation No.18 of 1907.

Prohibition on employment of natives except under Proclamation.

3. No person shall employ or take to be employed any native labourer except in accordance with the provisions of this Proclamation.

Prohibition on employment of natives in service of another.

4. Any person who knowingly employs a native labourer who is at the time under agreement of service to another employer shall be guilty of an offence against this Proclamation.

Prohibition on gifts to chiefs.

5. No person shall give any money or other gift to any native chief or headmnn with a view to securing a supply of labour unless with the consent of a Native Commissioner in writing.

Power to make regulations.

6. The Administrator may from time to time (with the assent and approval of the High Commissioner) make alter and repeal such regulations as may be necessary for the purpose of carrying into effect the provisions of this Proclamation.

Penalties.

7. Any person who commits any breach of this Proclamation shall be liable to a term of imprisonment not exceeding six months or to a fine not exceeding two hundred and fifty pounds or to both.

PART II.

Employment of Labour within the territory.

(A). Contract of Service.

Contracts over two months to be in writing and subject to conditions.

8. (1) No time contract of service with a native of the territory for any period exceeding two months shall be binding unless it is made in writing and executed by the employer or his agent and the native in the presence of a Native Commissioner.

(2) The Native Commissioner if he believes that the native does not understand the exact nature of the contract, or is physically incapable of performing it or for any other cause which he shall deem sufficient may refuse to approve it except on special conditions.

(3) The Native Commissioner if he thinks fit in any particular instance may insert in the written agreement any conditions he may think fit regarding the payment of the wages of any nat ive so employed and may require the deposit of a portion or the whole of the pay of such native in advance before approving of the agreement.

(4) The Native Commissioner shall approve and countersign the said agreement and shall retain a copy of the same.

(5) Every such agreement shall bear revenue stamps to the value of 1/- for every native engaged.

Contracts under two months.

9. In the case of natives employed for a period of service not exceeding two months every employer shall give to the native to be so employed or to the recognised headman or Capitao of the gang a ticket signed by the employer on which shall be stated the date on which the

work commences the period of engagement or (in the case of carriers) the place to which the journey is to be made and the rate of pay agreed upon and the employer may if he so desires bring up such native or gang of natives before the Native Commissioner who shall explain the terms of the agreement and shall hand to the employer a duplicate of the ticket given by the latter to the native or Capitao of the gang stamped with 6d. stamp and signed and dated by the Native Commissioner.

Power to Native Commissioner to prohibit engagement of labourers in other districts except upon conditions.

10. A Native Commissioner may if he thinks fit refuse to allow any person to engage a native as a labourer for any period or journey outside the Magisterial district to which such native belongs except upon the terms of an agreement in writing duly executed stamped and approved as provided in Section 8 unless such person shall deposit one month's pay or payment for the journey in advance with the Native Commissioner or shall otherwise give such security for the proper treatment of such native as to the Native Commissioner shall seem fit.

Employment of natives subject to conditions as to trans- port etc.

11. The employment of any native engaged for work in the territory shall be subject to such rules relating to transport housing feeding and clothing on the journey between his home and the place of employment during his employment and on the return journey as the Administrator may from time to time direct.

Natives from other territories employed in the territory.

12. When a native from any place outside the limits of the territory is employed in any place within the

territory the contract of service shall not be binding on the native unless it is made in writing and duly executed, stamped and approved as provided in Section 8 save and except that such agreement shall bear revenue stamps to the value of 1/- for every native engaged. Employers of such natives shall be subject to the provisions of this Proclamation and of any rules made thereunder in the same manner as employers of natives of the territory.

Payment of wages in cash without deduction.

13. The wages of every native labourer shall be paid to him in cash and no deduction except for previous part payments, shall be made from such wages without the approval of a Magistrate or Native Commissioner in writing. The pay rolls of all employers of labour shall be open to the inspection of the Secretary for Native Affairs or officer appointed by him.

Power to Administrator to prohibit employment of natives of one district) in another district.

14. The Administrator may by notice in the Gazette prohibit the employment of native labourers in any District or Division of the territory for service elsewhere than in such District or Division by any employer not authorised by the Administrator in writing to engage such natives and may in like manner withdraw such prohibition or may from time to time make alter and repeal rules for the regulation of the employment of native labourers in such District or Division.

(B) CARE OF NATIVE LABOURERS.

Provisions for care of native labourers.

15. The following provisions shall apply in the case of all native labourers employed in the territory - whether -

whether engaged under written agreement or otherwise:-

(a) During the period of service the employer shall at all times at his own expense cause every labourer in his service to be properly housed and fed and shall observe all reasonable directions which may be given by a Magistrate or Native Commissioner in respect of the housing and feeding of such labourers and in respect of sanitary arrangements. The liability of the employer as regards housing shall not extend to the case of natives residing in the neighbourhood of the place of employment who prefer to return to their homes at the conclusion of their daily work.

(b) Every employer shall provide his labourers with proper medicine and also (if procurable) with medical attendance during illness and in case any employer shall fail to make proper provisions any Magistrate or Native Commissioner shall have the power to do so and the employer shall in addition to his liability for breach of this Proclamation be liable to pay any expenses incurred by the Magistrate or Native Commissioner in making such provision.

(c) If a native labourer dies during service the employer or his agent shall give immediate notice thereof to the nearest Native Commissioner, together with a medical certificate, if procurable, of the cause of death. The employer or his agent shall pay to the Native Commissioner all wages due and deliver all property belonging to the deceased labourer for

- transmission -

transmission through the agency of the Administration to the representatives of the deceased.

Returns of natives employed by month.

16. In the case of native labourers engaged by the month every employer shall if and when called upon make a return to the Native Commissioner of the District or Division in which such labourers are employed of the number and district of origin of the labourers actually in his employment in the said district on the day on which such return is made.

PART III.

Engagement of native Labourers for Service outside the territory.

Provisions regulating employment of natives outside territory.

17. (1) A native of the territory shall not be engaged or taken to be employed outside the territory for any period as a labourer except upon terms of an agreement in writing executed by the employer and the native in the presence of and approved by a Native Commissioner.

(2) The Native Commissioner if he believes that the native does not understand the exact nature of the contract or is physically incapable of performing it or for any cause which he shall deem sufficient may refuse to approve it except upon special conditions.

(3) The Native Commissioner shall approve and countersign the said agreement and shall retain a copy of the same.

(4) Every such agreement shall bear revenue stamps to the value of 1/- for every native engaged.

(5) The Native Commissioner may if he thinks fit in any particular instance insert in the written agreement any conditions he may think fit relating to the payment of wages of any native so engaged and may require a deposit of a portion or the whole of the pay of such native in advance, before approving the agreement.

(6) The Native Commissioner may with-hold his approval of the contract if he is not satisfied that satisfactory arrangements will be made for feeding the native from the time of leaving his home to the date of his return.

No native to be employed outside territory for more than two months without permit.

18. No native shall be engaged by an employer for service outside the territory for any period over two months without a written permit from the Administrator.

Permit to employer to engage natives for service outside territory.

19. (1) The Administrator may issue a permit to any employer desirous of engaging native labourers for service outside the territory authorising him to engage such labourers in the territory for a specified term of service in a specified place outside the territory in such numbers and upon such conditions as he may from time to time direct.

(2) Every employer to whom a permit is issued may be required to sign a bond for such amount as may be required for the fulfilment of the provisions of this Proclamation and of any rules or conditions prescribed by the Administrator.

(3) The permit shall be issued for a limited period and for a specified district or for specified districts only and shall be personal to the employer

- named -

named in the permit and shall not be transferable.

(4) Permits shall be issued to Europeans only and may be cancelled or limited at any time as the Administrator shall see fit.

(6) The employer shall not be allowed to employ any native for the purpose of assisting him in recruiting unless such native is approved by the Native Commissioner.

Short title and date of taking effect.

20. This Proclamation may be cited for all purposes as "The Native Labour (Employers) Proclamation 1908" and shall have force and take effect from the first day of April 1908.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 19th day of March one thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 23 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS the disease amongst cattle known as East Coast Fever is reported to be prevalent in the Colony of Natal and it is expedient to take measures for preventing the spread of the said disease to the territory of Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:

1. It shall not be lawful without the written permission of the Resident Commissioner to introduce or import or to cause or allow to be introduced or imported any horned cattle or the hides or skins thereof from the Colony of Natal into any part of the territory of Basutoland.

2. Any person contravening the provisions of the preceding section shall be subject to a penalty not exceeding two hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months unless such fine be sooner paid.

3. All horned cattle or the hides or skins thereof which may be introduced or imported into the said territory in contravention of this Proclamation shall be liable to be confiscated and destroyed.

4. Any vehicles gear or harness used in the introduction or importation from Natal into the said territory of any horned cattle or any hides or skins thereof shall be disinfected in such manner as the Resident Commissioner may direct.

5. The Proclamation of the High Commissioner No. 1 of 1904 dated the thirteenth day of February 1904 shall be and is hereby repealed.

6. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

God Save the King.

Given under my Hand and Seal at Johannesburg this Twenty-fifth day of March One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

24
08.

No. 24 of 1908.

C. O.
15608
Recd
Regd 2 MAY 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS the Fish Preservation Ordinance 1904 of the Transvaal has been applied mutatis mutandis to the territory of Swaziland and is in force in the said territory;

AND WHEREAS it is desirable to repeal the said Ordinance as regards its application to Swaziland and to substitute other provisions therefor;

NOW therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows :-

1. The Fish Preservation Ordinance 1904 of the Transvaal shall be and is hereby repealed as regards its application to Swaziland.

2. No person shall at any time by means of dynamite or other explosive or by means of any chemical poisonous or other injurious substance wilfully kill or destroy any fish in any river

- stream -

stream lake dam pool or other waters in Swaziland. Any person who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

3. No person shall fish for capture or destroy any trout in any river stream lake dam pool or other waters in Swaziland. Any person who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

4. Notwithstanding anything in the preceding section contained it shall be lawful for the Resident Commissioner in his discretion to issue to any person a permit authorising such person to capture trout for experimental purposes only subject to such conditions and restrictions as the Resident Commissioner may see fit to impose.

5. This Proclamation may be cited for all purposes as the Swaziland Fish Preservation Proclamation 1908 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

- Given -

Given under my Hand and Seal at Johannesburg this Eighth day of April One thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency

The High Commissioner.

C H Rodwell

Imperial Secretary.

0.25. of 1908.

C. O.
15607
Rec.d
Regd 2 MAY 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS by Proclamation No.2 (Swaziland) 1906 it was provided that the Game Preservation Ordinance 1905 of the Transvaal should be deemed to be law within the territory of Swaziland from the Sixth day of April 1906;

AND WHEREAS by Proclamation No.4 (Swaziland) 1906 made under sub-section (b) of section three of the said Ordinance it was provided that the Vaal Rhebok (Pelea Capreola) should be protected in Swaziland for the period therein mentioned;

AND WHEREAS it is unnecessary further to continue such pretection;

NOW therefore under and by virtue of the powers and authorities in me vested by the said sub-section of the said Ordinance and by sub-section (2) of section two of the Swaziland Administration Proclamation 1907 I do hereby declare proclaim and make known that from the date of the publication of this Proclamation in the Gazette the said Proclamation No.4 of 1906 shall be and is hereby repealed.

- GOD -

C. O.
15607
RECD
REGD 2 MAY 08

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Eighth day of April One thousand nine hundred and eight.



Sellorne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Rothwell

Imperial Secretary.

26
08.

26.
of 1908

C. O.
15606
Recd
Rec'd 2 MAY 08

P R O C L A M A T I O N

by

His Excellency the High Commissioner.

SANCTIONED

WHEREAS by Proclamation No.2 (Swaziland) 1906 it was provided that the Game Preservation Ordinance 1905 of the Transvaal should be deemed to be law within the territory of Swaziland from the sixth day of April 1906;

AND WHEREAS it is desirable to amend the Schedule to the said Ordinance as regards the application thereof to Swaziland;

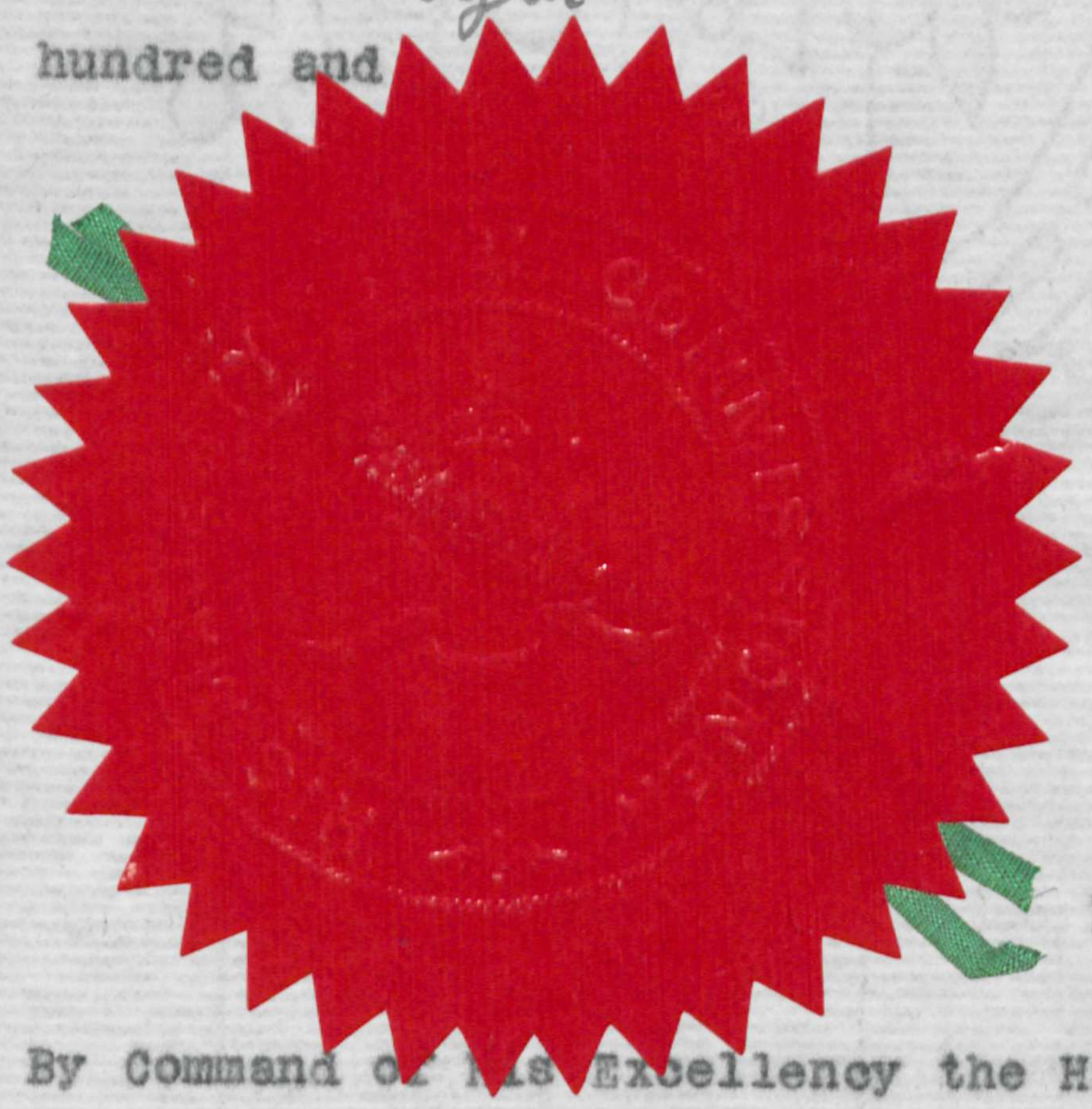
NOW therefore under and by virtue of the powers in me vested by subsection (c) of section three of the said Ordinance and by subsection (2) of section two of the Swaziland Administration Proclamation 1907 I do hereby declare proclaim and make known that from the date of the publication of this Proclamation in the Gazette the name of the Nyala Antelope (Tragelaphus Angasi) shall be and is hereby added to the second

- part -

part of the Schedule to the said Ordinance as applied to Swaziland and the said variety of antelope shall not be deemed to be included among the varieties of the Antelope Genus referred to in the first part of the Schedule to the said Ordinance as so applied.

GOD SAVE THE KING!

Given under my hand and seal at Mbabane this Eighth day of April one thousand nine hundred and Eight



High Commissioner

By Command of His Excellency the High Commissioner.

Imperial Secretary.

27. of 1908.

C. O.
15618
RECD
REGD 2 MAY 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner

SANCTIONED

WHEREAS the disease of rabies in dogs has appeared within the Territory defined by the Barotziland North Western Rhodesia Order in Council 1899 (hereinafter referred to as the Territory) and it is expedient for the purpose of checking the disease to provide for the registration and control of dogs.

NOW THEREFORE under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:-

1. It shall be lawful for the Administrator from time to time by notice in the Gazette to declare certain areas as coming under the operation of this Proclamation and to define, alter amend or abolish such declared areas as may to him seem expedient.

2. The provisions following shall apply to any area declared by notice as aforesaid and shall have force and take effect as regards such area from and after the date prescribed in such notice.

Registration of dogs and issue of badges for same.

3. (1) Every owner or other person having the custody or control of a dog shall as soon as the same is of the age of six months register such dog and take out in respect thereof a registration certificate and badge as hereinafter provided.

Such certificate shall be issued in the form and manner prescribed by regulation under this Proclamation, shall expire on the 31st day of December of each year and shall be renewed annually and with such certificate there shall be issued to the holder thereof a metal badge stamped with the number of such certificate; and if such metal badge be lost or destroyed the certificate holder may obtain from the person appointed to issue the same a duplicate of such badge on payment of a fee of two shillings and sixpence.

(2) In respect of dogs which are on the first day of January in any year of the age of six months and over application shall be made for such certificate or a renewal thereof within one month after such date and in respect of dogs reaching such age between such date and the thirty-first day of December next ensuing application for a certificate shall be made within one month after it reaches such age.

(3) For every such certificate or

renewal thereof shall be paid the sum of ten shillings; provided always that every white person being the resident owner or lessee of a farm or other piece of land or being in actual occupation of any dwelling may obtain a certificate or renewal thereof without such payment in respect of one animal used as a watch-dog.

oduction of rtificate demand.

4. Every person who has in his possession or custody or under his control a dog in respect of which a registration certificate is under this Proclamation necessary shall if requested by a justice of the peace police officer or constable or any person appointed to issue such certificate and within a reasonable time after such request produce or cause to be produced for inspection any such certificate and the dog in respect of which it was issued.

rtificate lder to ge metal dge to be rn by dog.

5. Every holder of such certificate shall cause the metal badge issued to him as aforesaid to be worn at all times by the dog in respect of which such certificate was issued.

truction of s trespassing without ges.

6. Any dog may be forthwith destroyed (a) by or on the order of the owner lessee or occupier of a farm or portion of a farm if found trespassing thereon without a badge issued in respect of it under this Proclamation or under any municipal bye-law;

(b) by or on the order of the owner lessee or occupier of a farm or portion of a farm if found causing damage thereon;

(c) by any police officer or constable if found in any place without a badge issued in respect of it under this Proclamation or under any municipal bye-law.

er to make ulations.

7. The Administrator may from time to time make alter and repeal regulations

(a) prescribing the various forms of registration certificates and metal badges to be issued under this Proclamation;

(b) prescribing the persons by whom such certificates and badges shall be issued the form of application for certificate and the maximum number of certificates and badges which may be issued to persons residing in any particular area declared by the Administrator in terms of Section 1;

and he may by such regulations impose penalties for any contravention thereof not exceeding a fine of five pounds or in default of payment imprisonment with or without hard labour for a period of one month.

alties.

8. (1) Any person required by this Proclamation to have a dog registered who does not obtain the proper certificate in respect thereof within the period prescribed by section three or who fails to produce the

same or the dog in respect of which it was issued when required in accordance with section four shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(2) Any person found in possession of a dog in respect of which a registration certificate under this Proclamation is necessary which is not wearing a metal badge issued in respect of it shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one pound or in default of payment to imprisonment with or without hard labour for a period not exceeding fourteen days.

(3) Any person who shall,

(a) fabricate any document or piece of metal with intent that such document shall be used as a registration certificate or such piece of metal shall be used as a badge issued under this Proclamation;

(b) use or utter any fabricated document or piece of metal well knowing the same to have been fabricated with the intent aforesaid;

(c) steal or be found in possession (without being able to account satisfactorily for such possession) of a badge issued under this Proclamation to another person;

- shall -

shall be guilty of an offence and shall be liable on conviction to imprisonment with hard labour for a period not exceeding two years.

9. Any court before which a conviction is obtained for a contravention of this Proclamation may order that a sum not exceeding one-third of any fine recovered from the person convicted shall be paid to any person by whose information such conviction shall have been obtained; save as aforesaid all such fines shall be paid into the public revenue of the Territory.

Certain provisions not to apply within municipalities where bye-laws exist for licensing of dogs.

10. Nothing in this Proclamation contained relative to registration or the production of registration certificates or to the issue or wearing of badges shall apply to dogs kept within a municipality in which any bye laws are in force made by the council thereof as to the licensing of dogs.

Title and date of coming into effect.

11. This Proclamation may be cited for all purposes as the Registration and Control of Dogs Proclamation 1908.

GOD SAVE THE KING.

Given under my Hand and Seal at

- this -

this 8th day of April One thousand nine hundred and eight.



Sellwood

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Rodwell

Imperial Secretary.

28 of 1908

C. O.
15617
Recd
2 MAY '08.

P R O C L A M A T I O N

by

SANCTIONED

His Excellency the High Commissioner.

WHEREAS it is expedient to regulate the sale of intoxicating liquor in the territory included within the limits of the Barotziland-North Western Rhodesia Order-in-Council 1899 (hereinafter referred to as "the territory")

NOW therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The law of England in so far as it is repugnant to the provisions of this Proclamation and sections twelve to eighteen of the High Commissioner's Proclamation No.18 of 1901 dated the 31st of August 1901 shall be and are hereby repealed except as to offences committed penalties incurred and proceedings instituted before the taking effect of this Proclamation and provided that all licenses granted under the provisions of the said Proclamation No.18 of 1901 shall remain in full force and effect until the expiry by effluxion of time or other sooner determination of the same.

2. Nothing in this Proclamation shall apply:-

(a) To any person selling any spirituous or distilled perfume or perfumery or medicated or methylated spirits to persons other than coloured

- persons-

persons.

(b) To any medical practitioner apothecary chemist or druggist who may administer or sell for purely medicinal purposes any bona fide medicine containing "intoxicating liquor" as hereinafter defined.

(c) To any sheriff messenger or other officer acting under the authority of any Court Judge Magistrate or Assistant Commissioner or to any officer of Customs in the exercise or discharge of his duties.

nitions.

3. In this Proclamation if not inconsistent with the context "intoxicating liquor" or "liquor" means any spirit wine ale beer porter cider perry hop beer or any liquor containing more than two per cent of alcohol and any other liquor which the Administrator may from time to time declare by Notice in the Gazette to be included in this definition but shall not include Native or Kaffir beer.

"Gazette" means the official Gazette of the High Commissioner for South Africa.

"Sell" or "Selling" means and includes barter or supply for any consideration in money goods or services and offering or exposing for sale.

"Wholesale" means a quantity of liquor of not less than 4½ gallons if in cask or one unbroken case containing not less than twelve reputed quart or twenty-four reputed pint bottles delivered at one time and not to be consumed on the premises of the seller.

"License"

"License" means any license for the sale of liquor granted under this Proclamation or any other Proclamation or law relating to the sale of such liquor.

"Coloured person" means and includes all persons being or being descendants of aboriginal natives of Africa and all Chinese Indians Arabs Malays or other Asiatics or their descendants.

LICENSES

Licenses for sale of liquor to be obtained from Administrator or other officer.

4. Any person desirous of selling liquor either wholesale or by retail must obtain a license so to do from the Administrator or from such officer as may be authorised by the Administrator to grant licenses under this Proclamation. Every license shall be granted subject to such conditions as to place of selling and description of liquor to be sold or otherwise and shall be renewable on such conditions as the Administrator or such other officer as aforesaid may fromatime to time determine and the granting or renewal of any license shall be in the uncontrolled discretion and power of the Administrator or such other officer as aforesaid.

Fees payable in respect of licenses.

5. For or in respect of licenses granted or renewed or transfers or removals of licenses or privileges allowed to the holders of licenses under and in terms of this Proclamation there shall be payable and paid such sums of money as are prescribed in the Schedule hereto.

Prohibition against selling liquor without licenses and penalties.

6. No person shall sell intoxicating liquor unless he be duly licensed. Any person selling liquor wholesale or by retail without being duly licensed or

selling at any place where he is not authorised by his license to sell shall be subject to the following penalties:-

For the first offence he shall be liable to a penalty not exceeding £50 or to imprisonment with or without hard labour for a period not exceeding one month.

For the second offence to a penalty not exceeding £100 or to imprisonment with or without hard labour for a period not exceeding three months.

For the third and any subsequent offence to a penalty not exceeding £100 or to imprisonment with or without hard labour for a period not exceeding six months.

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7. Thd occupier of any unlicensed premises on which any intoxicating liquor is sold or if such premises are occupied by more than one person every occupier thereof shall if it be proved that he was privy or consenting to the sale be subject to the penalties imposed upon persons for the sale of intoxicating liquors without license.

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8. All premises in which intoxicating liquors are sold by retail shall be closed at such times as shall be specified in the license issued in respect of the same or in default of any such specification between the hours of 10 p.m. and 5 a.m.

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9. Any person who during the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuanace of this Proclamation sells any intoxicating liquor in such premises or opens or keeps open such premises for the

sale of intoxicating liquor or allows any intoxicating liquors although purchased before the hours of closing to be consumed on such premises after the hours of closing shall for the first offence be liable to a penalty not exceeding ten pounds and for any subsequent offence to a penalty not exceeding twenty pounds.

Grant of temporary licenses.

10. Any licensed retailer may apply to the Administrator or to a Magistrate for a special license exempting him from the provisions of this Proclamation relating to the closing of premises on any special occasion or occasions or authorising him to sell liquor by retail at any place of recreation or public amusement for the period during which such recreation or amusement continues and it shall be lawful for the Administrator or Magistrate if he shall think fit to grant a temporary license for such purposes on any special terms: and any person having such a temporary license shall for the purposes of sections <u>fourteen</u> to <u>twenty-one</u> of this Proclamation (relating to offences against public order) and the sections giving effect to the same be deemed to be a licensed person and the place in which liquors are sold in pursuance of such temporary license shall be deemed to be licensed premises and to be the premises of the person taking out such temporary license.

As to bona fide travellers lodgers.

11. Nothing in this Proclamation shall preclude a person licensed to sell liquor to be consumed on the premises from selling such liquor at any time to <u>bona fide</u> travellers or to persons lodging in his house.

Licensed person not liable for supplying liquor gratis to friends

12. No person keeping a house licensed under this Proclamation shall be liable to any penalty for supplying liquor after the hours of closing to private friends bona fide entertained by him at his own expense.

Power to make Regulations.

13. The Administrator shall have power from time to time to make alter or revoke regulations not being contrary to the provisions of this Proclamation with respect to:-

(a) The applications for licenses and renewals thereof.

(b) The conditions subject to which licenses may be granted.

(c) The removal of a license to other premises.

(d) The transfer of licenses from one holder to another.

(e) The grant of temporary licenses.

(f) Generally for the proper and efficient administration of this Proclamation.

All such regulations shall be published in the Gazette.

OFFENCES AGAINST PUBLIC ORDER

Penalty on person found drunk in public place.

14. Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises shall be liable to a penalty not exceeding ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings. Every person who in any highway or other public place, whether a building or not, is guilty while

drunk of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place of any carriage, horse, cattle or steam engine, or who is drunk when in possession of any loaded fire-arms may be apprehended, and shall be liable to a penalty not exceeding forty shillings, or in the discretion of the Court to imprisonment with or without hard labour for any term not exceeding one month.

When the Court commits any person to prison for non-payment of any penalty under this Section, the Court may order him to be imprisoned with hard labour.

Penalty for permitting drunkenness on licensed premises.

15. If any licensed person permits drunkenness or any violent, quarrelsome or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Penalty for permitting premises to be resort of prostitutes.

16. If any licensed person knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty not exceeding ten pounds for the first offence, and not exceeding for the second and any subsequent offence twenty pounds.

Penalty for permitting premises to be a brothel

17. If any licensed person is convicted of permitting his premises to be a brothel, he shall be

liable to a penalty not exceeding twenty pounds, and shall forfeit his license.

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18. If any licensed person suffers any gaming or any unlawful game to be carried on on his premises he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

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19. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his license is granted any person who is drunken, violent, quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under this Proclamation.

Any such person who upon being requested in pursuance of this section by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or fails so to do, shall be liable to a penalty not exceeding five pounds, and all constables are required on the demand of such licensed dealer, agent or servant to expel or assist in expelling every such person from such premises, and may use force as may be required for that purpose.

The Court committing any person to prison for non-payment of any penalty under this Section may order him to be imprisoned with hard labour.

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20. The Magistrate of any District may by an order in writing forbid the selling of liquor to any person who shall within the space of three months have

been thrice convicted of drunkenness, or who having been twice so convicted shall also have been convicted of assault, or who by excessive drinking of liquor, mis-spends, wastes, or lessens his estate, or greatly impairs his health, or endangers the peace of his family.

Every such order shall be in force during such time as the said Magistrate may determine, not however exceeding twelve months, in the district wherein the same was granted and in any other district into which such person may remove or be.

Every licensed person who shall with the knowledge of such prohibition sell to any such person any liquor, and every person who with such knowledge shall give to, purchase or procure for such prohibited person any liquor shall on conviction be liable to a penalty not exceeding five pounds, in respect of each offence.

21. If, during any period during which any premises are required under the provisions of this Proclamation or of the conditions of the license to be closed, any person is found on such premises, he shall, unless he satisfies the Court that he was an inmate, servant, or a lodger on such premises, or a bona-fide traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Proclamation with respect to the closing of licensed premises, be liable to a penalty not exceeding forty shillings.

Prohibition of sale or supply of liquor to coloured persons except in specified cases.

SALE OF LIQUOR TO COLOURED PERSONS

22. No person shall sell give or otherwise supply to any coloured person any intoxicating liquor save and except in the following cases:-

(a) Intoxicating liquor may be supplied to a coloured person for medicinal purposes or sacramental use and in such case the burden of proof shall be upon the person who supplied it to show that the liquor was required for such purposes.

(b) Intoxicating liquor may be supplied to any Asiatic for consumption by him on any licensed premises and not elsewhere provided that no liqoor shall be supplied otherwise than in the vessel which shall be left on the premises after the liquor contained therein has been consumed.

(c) Intoxicating liquor may be supplied to any coloured person who is in possession of a letter of exemption granted by order of the Administrator exempting him from the provisions of this Proclamation provided that the onus of proof of such exemption shall be upon the person charged with contravention of any of the provisions of this Proclamation.

Penalties. Any person contravening any of the provisions of this section shall upon conviction for a first offence be liable to a penalty not exceeding £500 and in default of payment to imprisonment with or without hard labour for a period not exceeding six months and for every second or subsequent offence shall be liable to imprisonment with or without hard labour for a period of not less than six months and not exceeding twelve

months and if the person convicted shall in any case be holder of a liquor license hawker's license importer's general dealer's or other license the license or licenses held by him shall be forfeited. No person convicted as aforesaid shall be eligible to hold or shall obtain in the territory any such license as aforesaid for a period of five years from the date of his conviction.

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23. In any Summons or indictment preferred before any Magistrate charging any person with a contravention of the last preceding Section it shall not be necessary to set out the names of the coloured persons to whom intoxicating liquor is alleged to have been sold given or otherwise supplied; but it shall be sufficient to allege that such sale gift or supply was effected to a coloured person: provided always that nothing in this Section contained shall render it unnecessary to set out accurately in such Summons or indictment all other material particulars of the charge.

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24. (1) Whenever any coloured person shall apply to any licensed dealer to supply liquor for the use or alleged use of any European not prohibited from obtaining liquor, and shall produce a written order in that behalf, it shall be the duty of such licensed dealer before acting upon or complying therewith to assure himself of the genuineness of such order, and that the same is signed by some European as aforesaid known to such licensed dealer.

(ii) Every such order shall bear the date on which it

is signed and shall give particulars of the quality and quantity of liquor required and shall not be valid after the expiration of seven days from such date.

Pass to be given by licensed person.

25. Whenever any coloured person is supplied under the provision of the last preceding section with any liquor, it shall be the duty of the licensed dealer to furnish such coloured person with a pass on which shall be written the name of the person to whom it shall have been delivered the description quality and quantity of the liquor supplied, the date on which it was supplied and the name of the licensed dealer supplying the same.

Forged written orders.

26. (1) If any such written order as is mentioned in Section twenty-four purporting to be signed by any European as aforesaid, shall be forged, the person by whom the same was forged shall upon conviction be liable to such punishment as is provided for the crime of forgery.

(ii) If any such written order as aforesaid shall be or shall have been forged, the coloured person who with a knowledge of such forgery, shall produce or tender the same to a licensed dealer shall, upon conviction, be liable to the punishment above provided in sub-section (1).

(iii) If any coloured person having forged any such written order as aforesaid shall produce or tender the same in the manner aforesaid, he shall be liable to be charged in one and the same indictment for a contravention of sub-sections (i) and (ii) hereof, and shall in respect of such contravention on conviction thereof

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be liable to the punishment hereby provided.

(iv) If any person shall deliver to any coloured person any order for the supply of liquor, whether the same shall have been bona-fide written or signed by an European as aforesaid, or shall have been forged with the intention that the liquor when supplied shall be used or consumed by such coloured person or any other coloured person, he shall be guilty of an offence, and shall be liable to a fine not exceeding £500 and in default of payment to imprisonment with or without hard labour for a period not exceeding six months; and for a second and every subsequent contravention of this sub-section he shall be liable to imprisonment with or without hard labour for a period not less than six months and not exceeding twelve months.

(v) If any coloured person shall produce or tender to any licensed dealer any order for the supply of liquor written or signed by any European and delivered to such coloured person with the intention that the liquor when so supplied shall be used or consumed by such coloured person or any other coloured person, he shall be guilty of an offence, and shall be liable on the first or second or subsequent conviction to the penalties aforesaid provided by the last preceding sub-section for a first, second or subsequent contravention of such sub-section respectively.

Coloured person not to obtain liquor and penalties.

27. No coloured person shall obtain any intoxicating liquor by purchase or barter except in the cases specified in section twenty-two of this

- Proclamation -

Proclamation and no coloured person shall be in possession of any intoxicating liquor unless he is also in possession of a written pass as provided in Section twenty-five of this Proclamation.

Any coloured person contravening the provisions of this Section shall on conviction be liable to a penalty not exceeding twenty-five pounds or to imprisonment with or without hard labour for a period not exceeding three months.

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28. (1) No intoxicating liquor shall be brought within the limits of the territory without the permission in writing of the Administrator or of a Magistrate previously had and obtained; and any such liquor introduced in contravention of this provision shall be forfeited.

(ii) Any person guilty of such contravention shall also be liable on conviction to a penalty not exceeding £20.

(iii) Provided that nothing herein contained shall extend to liquor brought by any traveller for personal consumption in such quantity as may in the circumstances appear to be reasonable.

sale by otion of quor with- t permit.

29. No auctioneer or person holding a wholesale liquor license shall sell or offer for sale by public auction any liquor unless previously to the holding of such auction he shall have obtained from the Administrator , or from the Magistrate of the District in which the auction is intended to be held, a written permission stating the date and place where

the auction is to be held, and the quantity and description of the liquor intended to be sold.

lty for ling by tion with- permit.

30. Any auctioneer or person offering for sale or selling without the permission aforesaid or otherwise than strictly in accordance with such permission shall upon conviction be liable to a penalty not exceeding £50, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

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31. No auctioneer shall sell any liquor to any coloured person by auction; and for contravention hereof any auctioneer shall be liable on conviction to such penalty or punishment as is by the last preceding section prescribed.

MISCELLANEOUS

ences triable Magis- te.

32. All offences under this Proclamation shall be cognisable before the Magistrate within whose jurisdiction such offence shall have been committed and any such Magistrate may impose and enforce every penalty and forfeiture provided for by this Proclamation.

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33. If any person feels aggrieved by any order or conviction made by any Court of Magistrate the person so aggrieved may appeal to the High Court or to the Administrator's Court.

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34. The Magistrate before whom any offence under this Proclamation shall be prosecuted may direct that any portion not exceeding one half of the penalty imposed and recovered shall be paid or awarded to any person who may have given such information as shall

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have led to the conviction of the offender.

Short title and date of taking effect

35. This Proclamation may be cited for all purposes as The Liquor Licensing Proclamation 1908 and shall have force and take effect as from the tenth day of July 1908.

GOD SAVE THE KING !

Given under my hand and seal at Thursday Island this Eighth day of April one thousand nine hundred and Eight.



Selbrue

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary

S C H E D U L E

Sums payable for or in respect of liquor licenses granted renewed or transferred under the Liquor Licensing Proclamation 1908.

I. ANNUAL

Expiring the 31st day of March

	Duty payable for a whole year expiring on 31st March £. s. d.	License for a half year from 1st October and expiring on 31st March £. s. d.
Wholesale Liquor License.	45. 0. 0.	22. 10. 0
Retail Liquor License	60. 0. 0.	30. 0. 0

II Other Intoxicating Liquor Licenses

	Duty chargeable
For removal of license to other premises	5. 0. 0
For the transfer of a license to a person other than the person to whom the license was granted.	3. 0. 0
For a temporary license to a licensed retailer for the sale of liquors at any place of recreation or amusement or for a privileged extension of time per day.	1. 0. 0

C. O.
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Rec'd
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39 of 1908.

P R O C L A M A T I O N

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient to amend the law relating to the prevention of diseases among animals in Swaziland

NOW therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. The Diseases of Stock Ordinance 1902 of the Transvaal and all Proclamations and regulations made thereunder which are in force in Swaziland shall be and are hereby repealed as regards the application thereof to Swaziland.

2. It shall be lawful for the High Commissioner from time to time by notice in the Gazette to make alter and repeal regulations for Swaziland for all or any of the following purposes and to provide penalties for the breach thereof:

(1) The prevention of the introduction and spread among animals in Swaziland of any disease specified in such regulations

(2) The prevention of the importation into Swaziland of animals from any place outside Swaziland where any such disease prevails or is suspected of prevailing

(3) The notification of outbreaks of any such disease

(4) The inspection of animals and the payment by the owner or person in charge of any animals of fees for the inspection of such animals

(5) The detention isolation testing inoculation disinfection or removal of animals and the payment by the owner or person in charge of any animals of all expenses connected with the detention isolation testing inoculation disinfection or removal of such animals.

(6) The slaughter of animals with or without compensation to the owners thereof

(7) The burial of destruction of carcases

3. This Proclamation may be cited for all purposes as the Swaziland Diseases of Animals Proclamation 1908 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

- Given -

Given under my Hand and Seal at Johannesburg
this 29th day of April One thousand nine
hundred and eight.



HIGH COMMISSIONER.

By Command of His Excellency
the High Commissioner.

IMPERIAL SECRETARY.

No. 30 of 1908.

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C. O.
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PUBLIC 30 MAY 08

SANCTIONED

P R O C L A M A T I O N.

By His Excellency the High Commissioner

WHEREAS it is expedient to provide further for the administration of Justice in the Territory included within the limits of the "Barotsiland-North-Western Rhodesia Order in Council" 1899 (hereinafter referred to as "the Territory") by the establishment of Native Courts and by defining the powers and duties of Native Commissioners and otherwise:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

Establishment of Native Courts.

1. There shall be and are hereby established Native Commissioners' Courts and Assistant Native Commissioners' Courts to be held by Native Commissioners and Assistant Native Commissioners with such jurisdiction over all natives within the Districts assigned to them as is defined in this Proclamation.

Jurisdiction of Native Courts.

2. Every Native Commissioner's Court and Assistant Native Commissioner's Court shall be a Court of record and shall have such jurisdiction both civil and criminal and exercise such powers and duties and

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carry out such rules of law and procedure and be subject to such appeal and review as are provided for in the case of Magistrates' Courts in the Territory under and by virtue of Proclamation No.6 of 1905 and any other Proclamation dealing therewith and the provisions of the said Proclamation and any such other Proclamation with respect to the jurisdiction powers and duties conferred upon and the rules of law and procedure applicable to Magistrates' Courts and to the right of appeal and review therefrom or thereof shall mutatis mutandis apply to the Native Commissioners' Courts and Assistant Native Commissioner's Courts hereby established with the following exceptions (that is to say):-

(a) The jurisdiction of all Native Commissioners and Assistant Native Commissioners shall be confined on the civil side to cases in which both parties are natives and on the criminal side to cases in which the accused is a native.

(b) An Assistant Native Commissioner shall only have jurisdiction in such matters civil or criminal as may be from time to time or at any time generally or specially referred to him by a Native Commissioner or by the Administrator provided that an Assistant Native Commissioner appointed by the Administrator to act temporarily for or in the place of a Native Commissioner shall have all the powers and jurisdiction of such Native Commissioner.

(c) No Native Commissioner may punish any offender by any greater penalty than six months imprisonment with hard labour or a fine of ten pounds (£10).

(d) No Assistant Native Commissioner may punish any offender by any greater penalty than three months imprisonment with hard labour or a fine of five pounds (£5).

(e) In every case in which by the said Proclamation No.6 of 1905 any summons process or other document has to be issued and served in writing on any person it shall be the duty of the Messenger of the Court serving the same to give a sufficient verbal explanation of the nature and exigency of such summons process or other document to any native summoned or affected thereby.

Saving of jurisdiction of Magistrates.

3. Nothing in this Proclamation provided shall be construed to take away from the Magistrate of a District any jurisdiction powers or authorities in him vested and any native plaintiff in a civil case may in his own discretion seek redress either:-

(a) before the Court of the Magistrate of the District, or

(b) before the Court of a Native Commissioner or Assistant Native Commissioner having jurisdiction.

Appointment of Chiefs and Headmen to

4. It shall be lawful for the Administrator to appoint a sufficient number of Chiefs and District

Met Native Missioners.

Headmen in each native District to assist the Native Commissioners in the execution of their duties and such Chiefs and Headmen when so appointed shall have in respect of native offenders all the right and duties vested in constables or other similar officers of the law.

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5. This Proclamation shall be read as one with Proclamation No.6 of 1905 and shall have force and take effect as from the first day of May 1908.

GOD SAVE THE KING!

Given under my Hand and Seal at Johannesburg this 29th day of April One thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 31 of 1908.

C. O.
21313
RECD
13 JUN 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS Law No. 2 of 1882 of the Transvaal usually known as the "POUND LAW" is in force in Swaziland :

AND WHEREAS it is desirable to amend the said law as regards its application to Swaziland;

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows :-

1. Section seven of the Law No. 2 of 1882 of the Transvaal usually known as the "POUND LAW" shall be and is hereby repealed as regards its application to Swaziland and for the purpose of the application of the said law to Swaziland the following sections shall be deemed to be substituted therefor :-

"The Pound Master shall be entitled to demand

"and claim :-

(1) Fines.

	s.	d.
Donkeys, Mules, Horses per head	1.	6.
Horned Cattle, per head ...		9.
Sheep or Goats, per head ...		1.

(2) -

(2) Herding and Tending.

	s.	d.
Donkeys, Mules, Horses, per head per diem ...	3.	
Horned Cattle, per head per diem	3.	
Sheep and Goats, per head per diem	1.	

But for stock impounded in the afternoon after five and released in the morning before eight o'clock no charge shall be made for herding and tending.

	s.	d.
(3) Mileage or Drivers' fees per mile	6.	

But this mileage shall only be brought into account for one person no mileage shall be charged for any distance over twenty miles; nor shall any charge be made for the return to his home of the person who has brought the stock to the Pound. If required the Pound Master shall immediately pay the mileage to the person who delivers the stock to him".

2. Section twenty-two of the said Pound Law shall be and is hereby repealed as regards its application to Swaziland.

3. For the purposes of the said POUND LAW where any native is under the provisions of paragraph (a) of Section six of the Swaziland Concessions Partition Proclamation 1907 in occupation of the area of land the subject of any land concession or of any portion of such area;

(a) any stock belonging to such native shall not be deemed to be trespassing by reason of

being within such area unless such stock are found upon cultivated ground or ground used for residential purposes therein not being ground cultivated or used for residential purposes by such native but if so found such stock shall be deemed to be trespassing on private ground and shall be liable to be impounded accordingly;

(b) any stock belonging to any other person including stock belonging to the concessionaire which are found on any ground cultivated or used for residential purposes by such native within such area shall be deemed to be trespassing on private ground and shall be liable to be impounded accordingly.

Ground shall be deemed to be used for residential purposes within the meaning of this section which is fenced in for use in connection with any dwelling

4. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF MAY ONE THOUSAND NINE HUNDRED AND EIGHT.

Sellwood

HIGH COMMISSIONER.

- By -

By Command of His Excellency the High Commissioner.

C H Rockwell

IMPERIAL SECRETARY.

C. O.
21322
REC'D
13 JUN 08

NO. 32 of 1908.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

SANCTIONED

WHEREAS it is expedient to amend the law with regard to the export of cattle from the Territory included within the limits of the Barotziland-North Western Rhodesia Order-in-Council 1899, and to regulate the purchase of native cattle in the said territory hereinafter referred to as "The Territory",

NOW THEREFORE under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows :-

1. Proclamation No.2 of 1905 and Proclamation No.14 of 1906 shall be and are hereby repealed.

2. In this Proclamation "Native Cattle" means cattle owned by any native or natives of Africa or Asia, or which have been owned by any such native or natives within twelve months of any transaction which is called in question under this Proclamation.

3. No person shall export any cattle from the territory without first having obtained a permit as hereinafter provided authorising such export.

4. The Magistrate of a District or such other officer as may be authorised by the Administrator

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may receive any application for such permit and may grant or refuse to grant the same as he may think fit, and without giving any reason.

5. Every application for such a permit shall be in writing and shall state the number, sex, description and origin of the cattle proposed to be exported as aforesaid, and the proposed port of exit together with such further information and particulars as may be required by the Administrator.

6. The ports of exit for the purposes of this Proclamation shall be the Railway Station at Livingstone for all cattle exported by rail and the Feira drift for all cattle exported otherwise than by rail and no cattle shall be exported save by way of one or other of the said ports.

7. No white person shall purchase any native cattle without first having obtained a permit as hereinafter provided authorising such purchase.

8. The Administrator may receive any application for such a permit to purchase native cattle within the territory as is required by the preceding section, and may grant or refuse to grant the same as he may think fit and without giving any reason.

9. Every application for such a permit shall be in writing and shall state the number and description of the cattle proposed to be purchased and whether such cattle are required for slaughter stocking or trade purposes.

10. Any person convicted of a contravention of any

provision of this Proclamation shall be liable upon conviction to a fine not exceeding £100 or to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such imprisonment.

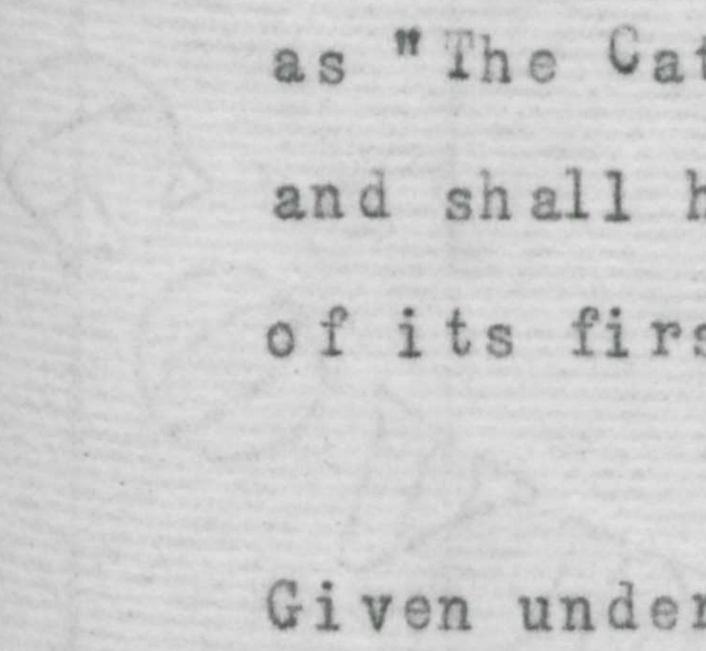
11. In any prosecution for any contravention of this Proclamation any person required by this Proclamation to have obtained a permit shall be deemed not to have obtained such permit unless he shall produce the same to the Court or give other satisfactory proof of having obtained the same.

12. Notwithstanding anything in Proclamation No.6 of 1905 contained, any Magistrate having jurisdiction over the district or area within which a contravention of this Proclamation is alleged to have been committedmay try such contravention summarily and may impose the maximum penalties therefor hereby prescribed.

13. This Proclamation may be cited for all purposes as "The Cattle Export and Purchase Proclamation 1908" and shall have force and take effect from the date of its first publication in the Gazette.

GOD SAVE THE KING

Given under my Hand and Seal at Pretoria this *fourteenth* day of May, one thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

BY

BY COMMAND OF HIS EXCELLENCY THE HIGH COMMISSIONER

C H Rodwell

IMPERIAL SECRETARY.

No.33 of 1908.

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REC'D
20 JUN 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner

SANCTIONED

WHEREAS it is expedient to amend the Swaziland Administration Proclamation 1904 and the Swaziland Concessions Partition Proclamation 1907 so as to provide that certain duties imposed by the said Proclamations on the President of the Swaziland Concessions Commission may be performed by the Secretary of the said Commission :

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows :-

1. Section seventeen of the Swaziland Administration Proclamation 1904 shall be and is hereby amended by the insertion therein immediately after the word "President" of the words "or Secretary of the Commission".

2. Section sixteen of the Swaziland Concessions Partition Proclamation 1907 shall be and is hereby amended by the insertion therein immediately after the word "President" wherever it occurs in

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the said section of the words "or Secretary".

3. This Proclamation shall be read as one with the Swaziland Administration Proclamation 1904 and the Swaziland Concessions Partition Proclamation 1907 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 27th day of May One thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Rodwell

Imperial Secretary.

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No. 34 of 1908.

C. O.
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Rec'd
6 JUL 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient to make further provision for the raising of revenue by the imposition of certain stamp duties and licences within the Territory included within the limits of the Barotziland-North-Western Rhodesia Order in Council, 1899 (hereinafter referred to as "the territory").

NOW THEREFORE, under and by virtue of the Powers in me vested I do hereby proclaim and make known as follows:-

Repeal.

(1) The Law of England in so far as it is repugnant to the provisions of this Proclamation together with Sections 1 to 11 inclusive of Proclamation 18 of 1901 shall be and is hereby repealed save and except as to offences committed penalties incurred or proceedings instituted before the date of the taking effect of this Proclamation and provided that in respect to any license issued prior to the date of the taking effect of this Proclamation and then current the same shall operate and be effectual until the expiration thereof and all questions touching any such license shall

- be -

be judged and determined under the law under which it was issued.

Definitions.

(2) For the purpose of this Proclamation the following terms shall, unless the context otherwise requires have the meaning herein assigned to them namely :-

"Agent of a Foreign Firm" means every person (other than an importer) who sells or offers for sale, by sample or otherwise goods not being of South African growth or manufacture on behalf of a firm or firms whose place of business is not in the territory or who takes or solicits orders for such goods to be transmitted either through himself or by means of indent on firms beyond its limits or who shows such goods in any manner whatever with such object or who advertises himself as in any way authorised or empowered to act for a foreign firm or firms but does not include a person who sells or offers for sale only goods consigned to him for sale and who shall be duly licensed to sell such goods. "Broker" means every person (other than an importer or an agent for a Foreign Firm) who shall carry on the trade or business of making bargains and contracts between other persons in matters of trade or commerce for a remuneration commonly called a commission or brokerage.

"Duly Stamped" means that instrument referred to is covered by the required and sufficient stamp and that such stamp has been cancelled in accordance with law by the proper person.

"Forge" and "Forged" includes counterfeit and counterfeited.

"General Dealer" means any person who carries on in any shop or other fixed place of business the trade or business of selling or offering or exposing for sale barter or exchange any goods not being the growth produce or manufacture of South Africa or Rhodesia.

"Hawker" means every person other than a duly licensed Agent of a Foreign Firm who shall go from place to place carrying for the purpose of sale, exchange or barter or exposing for sale exchange or barter any goods not being the growth produce or manufacture of South Africa or Rhodesia or who shall carry and expose samples or patterns of any such goods to be afterwards delivered but does not include:-

(1) Commercial travellers by reason merely of their selling or seeking orders for goods to or from persons who are dealers therein and who buy to sell again.

(2) Persons bartering or exchanging any goods being the produce of South Africa or Rhodesia and intended for consumption by themselves and their employees.

"Importer" means any person who imports for the purpose of trade or barter or manufacture any goods other than the produce of South Africa of value of at least £1,200 in any year ending 31st December.

"Stamp" means as well a stamp impressed by means of a die as an adhesive stamp.

"Write" "Written" and "Writing" include every mode in which words or figures can be impressed upon material.

"Person" includes Corporation firm or Partnership.

Duties and fees set forth in Schedules 1 and 2.

(3) From and after the taking effect of this Proclamation all and singular the duties, licences and fees of Office set forth in the first and second schedule hereto shall be legally chargeable in manner provided in the said schedules and all and singular the several explanations directions and provisions in the said schedules shall be of the same force and effect as if the same had been contained herein.

Schedules may be altered.

(4) It shall be lawful for the Administrator with the approval of the High Commissioner by notice in the "Gazette" at any time and from time to time to cancel alter add to or modify any of the schedules to this Proclamation provided that no such alteration shall affect the validity of anything made or done before the Publication of such notice.

Professional etc. licenses

(5) It shall not be lawful for any person to carry on practice or act in any capacity in any Profession Trade or Business in respect

of which a license subject to stamp duty is required without having such license and anyone so doing shall be liable to a fine not exceeding £50.

Issue of licenses.

(6) License to act as Legal or Medical Practitioner Banker Broker Insurer Chemist or Druggist Apothecary Baker Hawker Auctioneer or in any profession trade or business that may be hereafter notified in the "Gazette" as requiring a license may be issued subject to such conditions as may from time to time be made by the Administrator with the consent of the High Commissioner and published in the "Gazette" or as may be included in the license.

LICENSES GENERALLY.

Terms on which licenses may be issued.

(7) 1. In every annual license and every other license to be taken out under or by authority of this Proclamation shall be mentioned and set forth the purpose trade calling or business for which such license is granted and the true name of the person or persons to whom such license is granted and the true date of granting such license and (except in the case of an Auctioneer or Agent of a Foreign Firm or Hawker) the principal place of business of such person or firm as well as the place and premises at which the trade calling or business for which such license is granted shall be carried on.

2. Persons in partnership and carrying on their trade calling or business in one set of premises only shall not be required to take

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out more than one license in any one year for the purpose of carrying on such partnership except that each and every person exercising and carrying on the business of an Auctioneer or Hawker or Broker or acting as such shall take out a separate and distinct license for that purpose.

Removal and transfer of licenses.

(8) 1. Any person desiring to remove his business from the premises mentioned in his license to other premises shall make application to the officer duly appointed in that behalf for the removal of such license and such officer shall upon the surrender of such license, and on payment of the duty of one shilling issue a new license for such removal for the unexpired portion of the then current year;

2. In the case of the death of the holder of a license (other than a license as an Auctioneer or an agent of a Foreign Firm or Hawker or Broker or Chemist and Druggist or Medical Practitioner who compounds or dispenses medicine) such license may be transferred for the unexpired portion of the then current year without payment of any duty whatever to the personal representative of such deceased person; and in the case of the insolvency of any holder of a license such license may be transferred without the payment of any duty what-ever for the unexpired portion of the then current year to the assignee or trustee of such insolvent by endorsement on such

license by the officer duly appointed in that behalf.

Provisions as to various licenses.

(9) 1. Every Medical Practitioner duly admitted to practice and licensed under this Proclamation may sell any goods which may be sold under a license to carry on the business of an Apothecary Chemist or Druggist in any Town or village in which there shall be no licenses Apothecary Chemist or Druggist carrying on business at the date of such license.

2. A General Dealer's license shall authorise the sale of patent and homœopathic medicines and of any article or thing which although used as a medicine is not solely used as such and is not mixed or prepared for use as a medicine; provided that such General Dealer's license shall not authorise or allow the sale of any substances which are poisonous or declared to be such by any law at present in force or which may hereafter be promulgated.

JOINT STOCK COMPANY.

Meaning of Joint Stock Company.

(10) For the purpose of this Proclamation the term "Joint Stock Company" shall mean and include every Company having a capital stock divided into shares:-

(1) of which Company the chief seat or principal place where its business is managed shall be within the territory.

(2) of which the chief seat or principal place of business shall not be within the territory but of which any of the dealings or business shall be carried on within the territory wither by Directors appointed to carry on such business or

by a managing director manager secretary or agent on behalf of such Company.

Licenses to Joint Stock Companies

(11) The license issued to any Company as such shall cover the business of such Company at all its places of business in the territory.

Liability of Manager etc.

(12) Every manager, Secretary or Agent shall be liable jointly and severally for the amount payable for the license.

EXEMPTIONS.

Exemptions.

(13) No license shall be required by :-

(1) anyone specially appointed to conduct a sale by public auction in execution of any order of any Court or by the Sheriff or his lawful deputy selling anything in the execution of his office.

(2) any duly appointed poundmaster who may sell by public auction on the days duly appointed for such sales any animals impounded which may lawfully be sold.

(3) any person hawking or carrying about for sale any article except game, the growth produce or manufacture of South Africa provided that nothing herein contained shall be held to interfere with the operation of any law regulating the sale of intoxicating liquor firearms or ammunition.

(4) any savings bank or benefit society.

(5) any person who shall supply bread or fresh meat to any gaal convict station prison lock-up hospital police fort or station regimental canteen or asylum under a contract with the British South Africa Company and who shall not during the period of such contract keep a shop for the sale of bread or fresh meat to the public.

Certain persons exempt from taking out certain licenses.

(14) No licensed hawker as such no licensed chemist and druggist as such no licensed baker as such and no licensed butcher as such shall be bound or required to take out a license as a general dealer, and no licensed apothecary, chemist or druggist shall be required to take out a license as an importer of such goods as

- are -

are customarily sold or used in the ordinary course of business of an apothecary chemist or druggist and nothing in this Proclamation contained shall be taken to authorise any such person to do any act or thing for the performance of which any special license is by law required without having first obtained such special license.

License to Company not to authorise acting as general dealer.

(15) No license to a joint stock company or other society as such shall entitle the company or society to act as a general dealer or in any capacity requiring a license without having a license as general dealer or otherwise.

Inspection of licenses.

(16) It shall be lawful for any Officer of Police or other duly authorized person or other person thereto specially authorised by a Magistrate or Justice of the Peace at any reasonable time to enter upon the premises of any person carrying on any trade or business required to be licensed and to demand the production of the necessary license; and unless such person shall on such demand produce a proper license still in force he shall be considered as a person carrying on an unlicensed trade or business and liable to a penalty by this Proclamation provided; provided that in the event of the necessary license being produced at the trial of any such case a penalty not exceeding £2 for the non-production of such license to the Officer by whom the same may have been demanded shall be imposed.

Penalty. (17) Any unlicensed person found carrying on any trade, business or profession which is by this Proclamation required to be licensed shall (in addition to any other penalty to which he may be liable) be liable upon conviction to a penalty not exceeding five times the amount of the charge or duty payable for or in respect of the particular license which such person ought to have taken out and possessed; and in default of payment of such penalty as may be imposed to be imprisoned with or without hard labour for any period not exceeding six months unless such penalty be sooner paid; provided,

(1) that in proceedings against a firm or partnership for the recovery of any penalty the several members of such firm or partnership shall be jointly and severally liable to the penalty incurred.

(2) that nothing in this section contained shall in any way diminish the liability to more heavy penalties of any person contravening the law regulating the sale of firearms or ammunition to natives.

STAMPS.

Instruments Generally

All duties to be paid according to Proclamation.

(18) All stamp duties for the time being chargeable by law upon any instrument are to be paid and denoted in accordance with the provisions of this Proclamation and are to be paid and denoted by adhesive stamps only.

How instruments are to be written and stamped.

(19) 1. Every instrument written upon stamped material is to be written in such

- manner -

manner and every instrument partly or wholly written before being stamped is to be so stamped that the stamp may appear on the face of the instrument and cannot be used or applied to any other instrument written upon the same piece of material.

3. If more than one instrument be written upon the same piece of material every one of the instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

Facts and circumstances affecting duty to be set forth in instruments.

(20) All the facts and circumstances affecting the liability of any instrument to stamp duty or the amount of stamp duty with which any instrument is chargeable are to be fully and truly set forth in the instrument and every person who shall knowingly

(1) execute any instrument in which all the said facts and circumstances are not fully and truly set forth or

(2) being employed or concerned in or about the preparation of any instrument knowingly neglects or omits fully and truly to set forth therein all the said facts and circumstances shall incur a penalty not exceeding £10.

Instrument over stamped to be valid.

(21) Any instrument stamped with a stamp or stamps denoting a greater amount than that of the stamp appointed by this Proclamation for such instrument shall be deemed and taken to be effectually stamped.

Officer appointed to cancel stamps may require proof of date of instrument.

(22) When any instrument is presented for cancellation of the stamp to any officer charged with the duty of cancelling stamps he shall require sufficient proof of the date on which any instrument was really executed and any person who shall knowingly insert in or affix tp any such instrument a false date shall incur a penalty not exceeding £50.

USE OF ADHESIVE STAMPS.

General directions as to cancellation of adhesive stamps.

(23) 1. An instrument the duty on which is required or permitted by law to be denoted by an adhesive stamp is not to be deemed duly stamped unless the person required by law to cancel the adhesive stamp cancels the same effectually.

2. Every stamp used to denote the stamp duty upon an instrument is to be cancelled.

3. Every person who being required by law to cancel an adhesive stamp neglects or refuses duly and effectually to dó so shall incur a penalty not exceeding £10.

Penalty for frauds in relation to adhesive stamps.

(24) If any person:-

1. fraudulently removes or causes to be removed from any instrument any adhesive stamp which has been so removed with the intent that the stamp may be used again.

2. fraudulently sells or offers for sale or utters any such adhesive stamp which has been so removed or utters any instrument having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid.

he shall in addition to any other fine or

- penalty:-

penalty to which he may be subject by law, be liable to a fine not exceeding £200.

STAMPING OF INSTRUMENTS AFTER EXECUTION

Provision for stamping instruments after execution.

(25) 1. Except where other express provision is made any unstamped or insufficiently stamped instrument may be stamped,

(a) before the expiration of thirty days after the execution thereof or after the date upon which any duty became payable on payment of the unpaid duty and

(b) after thirty days after the execution thereof or after the date upon which any duty became payable on payment of the unpaid duty and a penalty equal to such duty or if the unpaid duty exceeds £5 on payment of such duty and a penalty of £5 with interest on the duty and penalty calculated at the rate of one per centum per mensem reckoned from the date of expiration of thirty days as aforesaid until payment be made provided that in such calculation.

(1b) every portion of a month shall be taken as a full month.

(2b) every fraction of a penny shall be chargeable and be payable as a penny.

2. Except where other express provision is made in relation to any particular instrument any unstamped or insufficiently stamped instrument which has been first executed at any place out of the territory may be stamped at any time within thirty days after it has been first received in the territory on payment of the unpaid duty only and if not so

- stamped -

stamped within thirty days the provisions of sub-section (b) shall "mutatis mutandis" apply.

3. Every instrument shall be deemed and be taken to be executed within the meaning of this Proclamation when it shall have received the signature of any one person being a party proper to execute the same although there may be other persons named as parties thereto who shall not have signed the same.

ENTRIES UPON BOOKS. etc.

Instruments not duly stamped not to be issued received etc.

(26) No person whose office is to issue or receive or Register or authenticate or enrol or enter upon any book register or records any instrument chargeable with any duty, shall issue or receive or register or authenticate or enrol or enter any such instrument unless the same shall be duly stamped.

PRODUCTION OF INSTRUMENTS IN EVIDENCE.

Terms upon which instruments not duly stamped may be received in evidence.

(27) 1. An unstamped or insufficiently stamped instrument shall not be admitted in evidence in any civil matter or proceeding unless the same shall first have been duly stamped and such fine as the Court shall fix shall have been paid to such Officer as the Court shall direct.

2. Should it subsequently appear that any such instrument has been inadvertently received or admitted then on its being brought before the notice of the Court aforesaid the Court shall direct that it be duly stamped and the fine as aforesaid paid by the person on whose behalf the

said instrument was tendered and put in evidence.

3. No instrument shall by reason of its being unstamped or insufficiently stamped be deemed to be inadmissible in any criminal trial or proceeding.

REGULATIONS AND DEFINITIONS APPLICABLE TO PARTICULAR INSTRUMENTS.

Bills of Exchange Promissory Notes Cheques Fixed Deposit Receipts Good-fors and I.O.U's.

When promissory note or other acknowledgement of deed need not be stamped.

(28) 1. No promissory note "good for" or "I.O.U." or other acknowledgment of debt shall be required to be stamped so long as it shall be retained by the person to whom it was first delivered and it may be paid to such person without being stamped.

2. If any person shall transfer or negotiate any promissory note "good for" I.O.U. or other acknowledgment of debt he shall before doing so fix thereto a stamp of the value provided for in the schedule hereto in the case of promissory notes.

Penalties. (29) Any person who:-

(a) shall transfer or negotiate any such instrument as is referred to in sub-section (1) of the preceding section without first stamping and cancelling the same if not already stamped and cancelled;

- or -

or

(b) shall receive such instrument without cancelling such stamp shall be liable to the penalty by this Proclamation provided. No person who shall have granted such instrument shall be bound to pay or satisfy the same to any person other than the person to whom it was first given unless it be duly stamped and cancelled.

Penalty for issuing etc. any unstamped bill cheque draft or note.

(30) 1. Every person who shall issue or negotiate and every person other than a Notary Public who shall present for payment any bill of exchange cheque draft or note (not being a bank note) liable to stamp duty not being duly stamped shall be liable to the penalties by this Proclamation provided.

2. No person who shall take or receive from any other person any such bill of exchange cheque draft or note (not being a bank note) not being duly stamped either in payment or as security or by purchase or otherwise shall be entitled to recover the amount thereon or to make the same available for any purpose whatever unless the same shall thereafter be duly stamped.

Only one bill of a set need be stamped.

(31) When a bill of exchange is drawn in a set and one of the set is duly stamped the other or others of the set shall unless issued or in some measure negotiated apart from the

- stamped -

stamped bill be exempt from duty; and in proof of the loss or destruction of a duly stamped bill forming one of a set any other bill of the set which has not been issued or in any manner negotiated apart from the lost or destroyed bill may although unstamped be admitted in evidence to prove the contents of the lost or destroyed bill.

LAND GRANTS AND QUITRENTS.

Stamping quitrent receipts.

(32) In case the quitrent for a greater number of years than one shall be paid at one time a single receipt specifying the years from which the rent is received shall be sufficient but such receipt must bear stamp of the value not less than the aggregate amount of the stamps which would have been used had such rent been paid regularly year by year.

Grants in consequence of erroneous surveys to be stamped free of charge.

(33) All stamps necessary in regard to fresh grants issued in consequence of erroneous surveys on which title deeds have been based shall be supplied free of charge by a gratis issue.

LEASES OR AGREEMENTS FOR LEASES.

Agreement for lease and lease.

(34) An agreement for a lease is liable to the same duty as if it were a lease.

A lease made subsequently to an agreement duly stamped as herein provided is liable to a duty of sixpence only.

LIQUIDATION ACCOUNTS.

Net assets in assigned estates to be

(35) Under and by virtue of assignments of

charged one half the duty chargeable in insolvent estates.

property in trust for creditors the net assets shall be liable to a duty amounting to one half the duty chargeable upon assets under insolvent estates.

Assignee to produce all accounts etc. in assigned estates.

(36) The assignee shall at all times after any such assignment be bound to produce upon demand to any officer duly authorised in that behalf by the Administrator all accounts and papers belonging to the assigned estate and necessary or calculated to show the amount of the fund for distribution and should such assignee decline or refuse to produce such accounts and papers the said officer may by motion apply to the Court of the Administrator or to the High Court or any Judge thereof for an order upon such assignee to produce the same and should such Court or Judge grant such motion it may be granted with costs.

POLICE OF INSURANCE

Penalty for not issuing a stamped policy

(37) If any Society or Association

1. receives or takes credit for any premium or consideration for any insurance and does not within three months after receiving or taking credit for such premium or consideration make out and execute a duly stamped slip memorandum acknowledgment obligation or policy of insurance; or

2. makes executes or delivers out or pays or allows in account or agrees to

pay or allow in account any money upon or in respect of any slip memorandum acknowledgment obligation or Policy which is not duly stamped

every director managing director secretary or other principal officer of such company society or association shall be personally liable to the penalty herein provided and further and in addition thereto the amount of the said penalty may be recovered from such Company society or association and levied and executed upon its property.

POWERS OF ATTORNEY.

Provisions as to powers of attorney.

(38) 1. Every power of Attorney appointing a proxy to vote at a meeting of shareholders or members of any association is hereby charged with the duty of one penny.

2. A power of Attorney (other than a proxy to vote) for the performance of any one single distinct and separate transaction or act duly stamped for that purpose is not to be charged with further duty by reason of containing any authority for the continuance of such performance.

3. When two or more persons not constituting a firm or partnership or not holding jointly the office of executor Administrator tutor curator or trustee join in granting a power of Attorney to one and the same person such power must be stamped with the required stamp by each signatory.

R E C E I P T S.

Meaning of receipt.

(39) 1. For the purpose of this Proclamation the expression "receipt" includes any note memorandum or writing whereby any money when the amount exceeds one pound or any bill of exchange or promissory note or cheque for money exceeding one pound is acknowledged or expressed to have been received or deposited or paid or whereby any debt or demand or any part of any debt or demand exceeding the amount of one pound is acknowledged to have been settled satisfied or discharged or which signifies or imports any such acknowledgment and whether the same is or is not signed with the name of any person but nothing herein contained shall apply to any account delivered at any time after the date of payment of any money which shall contain an entry of the payment there as a credit item in such account.

2. The duty upon a receipt may be denoted by an adhesive stamp which is to be cancelled by the person by whom the receipt is given before he delivers it out of his hands or if not so stamped it may be stamped and the stamp cancelled by the person to whom the receipt is granted on the day on which the receipt comes into his possession.

3. The Administrator may direct in such cases as he may deem fit that when two or more receipts for the payment of

money, required by this Proclamation to be stamped are given on one and the same document one or more stamps representing in value the total amount of stamp duty payable in respect of the receipts so given may be affixed to such document in lieu of a separate stamp for each receipt.

Terms upon which a receipt may be stamped after it has been given.

(40) A receipt not being stamped as aforesaid may be stamped upon the following terms; that is to say within thirty days after it has been given on payment of the duty and a penalty of £5.

Penalty for unstamped receipt.

(41) If any person

1. gives a receipt liable to duty and not duly stamped or

2. in any case where a receipt would be liable to duty refuses to give a receipt duly stamped or

3. upon a payment exceeding the amount of one pound gives a receipt for a sum not exceeding one pound or separates or divides the amount paid with intent to evade the duty;

he shall incur a penalty not exceeding two pounds.

ALLOWANCE FOR SPOILED STAMPS.

Allowance for spoiled stamps.

(42) Subject to such regulations as may be made by the Administrator in that behalf and to the production of such evidence as may be required or otherwise at the discretion of the

Administrator signified in writing allowance may be made for stamps inadvertently and undesignedly spoiled, obliterated or by any means rendered unfit for use.

MISCELLANEOUS.

Two or more stamps or dies may be used.

(43) The duty on any instrument may be denoted by one or several stamps.

License to deal in stamps.

(44) 1. The Administrator may at his discretion authorise the grant of a license to deal in stamps to any person at any place in the territory to be named in such license and may revoke such license.

2. Any person in the service or employment of the Post Office may with the written authority of the Comptroller of Posts and without any other license or authority sell postage stamps at any place and in any manner.

3. Any person specially authorised thereto may without any other license or authority sell revenue stamps adhesive or impressed at any place and in any manner.

Penalty.

(45) Any person convicted of contravening any of the provisions of this Proclamation for or in respect of which no penalty is specially provided shall be liable to a penalty not exceeding twenty pounds.

Recovery of Penalties.

(46) All fines and penalties imposed under this Proclamation shall be recoverable in a summary manner before the Court of the

Magistrate of the district in which the offence was committed and in default of payment of any fine or penalty for any offence for which the punishment of imprisonment is not specially provided the accused shall upon conviction be liable to imprisonment with or without hard labour for any period not exceeding twelve months unless such fine or penalty be sooner paid.

Appeal. (47) It shall be lawful for the officer prosecuting for the recovery of any fine penalty or forfeiture under this Proclamation or any other law relating to licenses or stamps in the Court of the Magistrate or for the person condemned if he feels aggrieved to appeal to the High Court or to the Court of the Administrator.

CANCELLATION OF STAMPS.

Cancellation of stamps. (48) 1. Except when a license document or instrument is printed or written upon stamped material or where other provision is by this Proclamation expressly made adhesive stamps shall be used to denote the duties payable.

2. Where adhesive stamps are used such stamps shall be affixed to or placed upon the instrument or document to be stamped.

3. Such adhesive stamps shall be cancelled by the person authorised to cancel the same in any of the following modes:-

(a) By writing in ink on or across the

- stamp -

stamp his name or initials or those of his firm or company together with the true date of his so writing.

(b) By impressing upon the stamp by means of an official stamp or die the title of the Office to which he belongs and impressing or writing the true date of such impressing or writing and by writing his initials within or across the impression.

(c) By perforation of the stamp with an instrument for that purpose supplied by the British South Africa Company.

4. Adhesive stamps on special powers of attorney for the purpose of doing or performing any act before a Registrar of Deeds or Registrar of the High Court or the Court of the Administrator or for the receipt of money from any public Department may also be cancelled by any officer authorised to cancel stamps upon the document being tendered to such officer for that purpose irrespective of the time which may have elapsed between the date of signing such power and the document being tendered as aforesaid.

Rules to be made by Administrator.

(49) The Administrator may from time to time make rules and regulations respecting the cancellation of stamps either in addition to or in substitution of the provisions of the last preceding section.

Uncertainty as to and ascertainment of duty.

(50) If any person entertains any doubt whether any particular instrument is chargeable

with any duty or as to the amount of duty chargeable he may refer the matter to the Civil Commissioner or to the District Commissioner of the district who shall then endorse the instrument with a dated certificate either that the instrument is exempt from duty or is chargeable with the duty therein mentioned (as the case may be); and every instrument so endorsed and if chargeable stamped accordingly shall be deemed to be duly stamped and shall be available for all purposes notwithstanding any objection relating to duty.

Period within which stamping may be done.

(51) Where any instrument may be stamped after execution and reference is made to the Civil Commissioner or to a District Commissioner under the last preceding section the instrument may be stamped within fourteen days after the date of the certificate or within the period allowed by this Proclamation whichever period shall last expire.

Short title and date of taking effect.

(52) This Proclamation may be cited for all purposes as the Licenses and Stamp Duties Proclamation 1908 and shall have force and take effect as from the first day of October 1908.

GOD SAVE THE KING.

- Given -

Given under my Hand and Seal at Pretoria
this 3rd day of June One thousand nine
hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner.

C H Rodwell

Imperial Secretary.

FIRST SCHEDULE.

LICENSES.

1. ANNUAL.

EXPIRING ON THE 31ST DAY OF DECEMBER.

	Duty payable for a Whole year ending 31st December,	Duty payable for a half year from 1st July and expiring 31st December.
For every Agent of a Foreign firm or firms,	£30. 0.0	£15. 0. 0
For carrying on the business of an Auctioneer, ...	£10. 0.0	£ 5. 0. 0
For exercising the trade of a Baker, ...	£10. 0.0	£ 5. 0. 0
For keeping one or more Billiard or Bagatelle Tables,.....	£10. 0.0	£ 5. 0. 0
For keeping a Customs Bonded or Bonding Warehouse.....	£20. 0.0	£10. 0. 0
For carrying on the business of a Broker,...	£10. 0.0	£ 5. 0.0
For exercising the trade of a Butcher,.....	£10. 0.0	£ 5. 0. 0
For every Apothecary, Chemist or Druggist,..	£10. 0.0	£ 5. 0. 0
For every dealer in Aerated water, Tobacco and Cigars, not being licensed as a General Dealer,....	£10. 0.0	£ 5. 0. 0
For keeping or using a still or Retort by any person not licensed as a Distill~~ing~~er or Rectifier, ...	£ 1. 0.0	£ 10. 0
For every Still maker, ...	£ 1. 0.0	£ 10. 0
For every General Dealer in respect of the Principal store, ...	£10. 0.0	£ 5. 0. 0
..... in respect of every other store in the Territory, ...	£ 2. 0.0	£ 1. 0. 0
For every Dealer in Gunpowder Firearms or Explosives, ...	£10. 0.0	£ 5. 0. 0
For every Hawker, ...	£ 4. 0.0	
For every importer (over and above his license as a General Dealer, Auctioneer, Broker, Pawnbroker or dealer in Gunpowder or any other license he may hold), ...	£10. 0.0	£ 5. 0. 0

For selling.....

For selling Revenue Stamps, ... £ . 5. 0 £ 2. 6

For every Medical Practitioner who compounds or dispenses Medicines prescribed by himself or by any other Medical Practitioner with whom he is in partnership,..... £ 5. 0. 0 £ 2. 10. 0

NOTE:- All the above are chargeable in respect of each store or place of business except that the licenses as Auctioneer, Broker, Apothecary, Dealer in Gunpowder etc., Importer and Medical Practitioner cover every place of business (if more than one) that is used by the Licensees.

For every Joint stock Company, Society or person carrying on business as such in the Territory as Assurers or Insurers or Bankers or as Assurers and Bankers,..... £30. 0. 0 £15. 0. 0

II. OTHER LICENSES.

For every removal of a license £ -. 1. 0

For a special marriage license,..... £ 5. 5. 0

For admission to practice as an Advocate,... £20. 0. 0

For admission to practice as an Attorney,... £20. 0. 0

For admission to practise as a Notary,..... £12.10. 0

For admission to practise as a Conveyancer,..£12.10. 0

For admission to practise as a Medical Practitioner,..... £ 5. 0. 0

For admission to practise as an Apothecary, Chemist or Druggust, ... £ 5. 0. 0

For admission to practise as a Dentist,..... £ 5. 0. 0

For admission to practise as a Land surveyor £ 5. 0. 0

SECOND SCHEDULE.

SECOND SCHEDULE.

STAMP DUTY ON INSTRUMENT.

Accident Assurance: See Policies of Insurance,

Affidavits: Every affidavit in any Civil case or proceeding in insolvency, ... £ 3. 0

Agreements for Lease. See Lease

Agreements of service : For natives on registration in respect of each person registered if engaged outside the Territory, ... £ 2. 6

If engaged within the Territory for service within,... £ 1. 0
If engaged for service outside the Territory,..... £ 2. 6

Any Agreement or memorandum of Agreement whether obligatory as a contract or only as evidence of a contract, which is not other-wise specifically charged with any duty, ... £ 6

EXEMPTION. Agreement or memorandum the subject matter whereof is not of the value of £10.

Apprenticeship. See Articles of Apprenticeship.

Arbitration and Awards: Eveery instrument of submission to Arbitrators, ... £ 5. 0

Awards where the sum of money is awarded to be paid by any one person to another person where the sum awarded is under £100,..... £ 2. 0

For every additional £100 or fraction of £100..... £ 1. 0
For award made in regard to anything else than payment of money, ... £ 5. 0

EXEMPTION. Where the sum or matter shall be under £10 in value the submission and award shall be exempt.

Articles of apprenticeship. On all Articles of Apprenticeship of any native to any calling trade or work of manual labour, ... £ 6

Assigned Estate. Every deed assigning property in trust for creditors, ... £ 1. 0. 0
And see sections 36 & 37.

Assurance. See Policies of Insurance.
Awards. See Arbitrations.

Bills, Cheques, Fixed Deposit Receipts, Good Fors I.O.Us. and Promissory Notes.:-

Every Bill of exchange, promissory note bank post bill or other negotiable instrument for any amount not exceeding £50, ... £ 6

Exceeding £50 and not exceeding £100, ... £ 1. 0
And for every additional £100 or fraction of £100,.... £ 1. 0
Every cheque upon a Bank,..... £ 1
Every fixed deposit receipt of any bank or joint stock Company, for each £100 or fraction of £100 and for each year and fraction of a year,..... £ 1. 0

Every renewal.....

Every renewal or continuation of any Fixed deposit receipt of any Bank or joint stock Company:
For every £100 or fraction of £100 and for each year or fraction of a year, ... £ 1. 0

Every fixed deposit receipt of any Bank or Joint Stock Company terminable at the expiration of a notice to be given from either side:-
For every £100 or fraction of £100, and for each year or fraction of a year, during its continuance,..... £ 1. 0

EXEMPTION.

(1) Bank notes,
(2) Protests and certificates of bills notes and Cheques under £10. drawn
(3) Bill, draft cheque or order by or in favour of the British South Africa Company for the purposes of the Company.
And see sections 29, 30, 31 and 32.

BONDS. See Mortgage.

BILLS OF SALE. See Mortgage.

BIRTH REGISTRATION OF.
Registration,..... £ 2. 6
Certified copy of an entry in the Register, ... £ 2. 6
Inspection of Register, (returns or Index),..... £ 2. 6
Registration of name,..... £ 2. 6

CHEQUES. See Bills.

DEATH, REGISTRATION OF.
Registration,..... £ 2. 6
Certified copy of an entry in the Register,..... £ 2. 6
Inspection of Register, Returns or Index,..... £ 2. 6

DECLARATION. For every declaration made before a Magistrate or J.P. for purposes of Customs, Export Import, removal of Cattle, or otherwise of whatsoever nature for which no special fee is made payable by this Proclamation,..... £ 5. 0

DEEDS REGISTRY OFFICE.
For the preparation of any Deed of Transfer or Mortgage prepared in the Deeds Office,..... £ 3. 3. 0

For the Registration of any Deed of grant, Transfer, Mortgage, or probate,..... £ 1. 0

For the Registration of any Contract or settlement purporting to charge or Mortgage land,..... £ 1. 0. 0
On each application to search index of the Register or transfer and Mortgages for each letter searched,....£ 2. 0

For an inspection under each name in the land and Mortgage Register or of any Deed of Transfer, Mortgage or other deed filed in the Deeds Office,..... £ 2. 0

For certifying a copy of not exceeding 100 words,..... £1. 10. 0

For every additional 100 words or fraction thereof,... £ 1. 0

For making a copy of not exceeding 100 words,..... £ 10. 0

For any additional 100 words or fraction thereof,..... £ 1. 0

For uniting.....

For uniting documents with official seal,..... £ 2. 6

If the document is in any other language than English, double the copying fees are chargeable,.....

For every Registration, Entry Cancellation, Certificate or other act done in a Deeds Office not being any of the matters or things aforesaid,..... £ 5. 0

MORTGAGE INCLUDING BILLS OF SALE.

Mortgages and charges passed before the Registrar of Deeds including Bills of Sale,

Amount secured not exceeding £10,.....	£	2.	0
Exceeding £10 and not exceeding £20, ...	£	3.	0
Exceeding £20 - do- £30,.....	£	5.	0
-do- £30 - do- £50,.....	£	7.	6
-do- £50 - do- £100,.....	£	10.	0
-do- £100 - do- £150,.....	£	15.	0
-do- £150 - do- £200,.....	£	1. 0.	0
-do- £200 - do- £300,.....	£	1. 5.	0
-do £300 -do - £400,.....	£	1. 10.	0
-do- £400 - do- £500,.....	£	2. 0.	0
-do- £500 -do - £600,.....	£	2. 10.	0
-do- £600 -do- £700,.....	£	3. 0.	0
-do- £700 -do- £800,.....	£	3. 10.	0
-do- £800 -do- £900,.....	£	4. 0.	0
-do- £900 -do- £1000,.....	£	4. 10.	0

And every additional £100 or fraction £100,..... £ 5. 0

TRANSFER OF MORTGAGE.

(a)	When the bond is intact.	One fourth of the original duty on Mortgage passed before the Registrar of Deeds.
(b)	When a portion of a Bond has been paid and transfer is made of the balance,	One fourth of the original duty chargeable on unpaid balance.

TRANSFER. Transfers passed before the Registrar of Deeds:-

Upon the amount of the price of purchase money paid or to be paid for real property per centum,..... £ 4. 0. 0

Upon the value of real property on any change of ownership by inheritance, devise, bequest, exchange, donation or otherwise per centum, ... £ 4. 0. 0

EXEMPTION. Stamps which if paid would be paid directly out of Public Revenue.

G A M E.

Administrator's License,.....	£50.	0.	0
Special license,.....	£25.	0.	0
- do- do- for persons resident in the Territory....	£ 5.	0.	0
Ordinary license,.....	£ 1.	0.	0

GUN.....

G U N. To carry a muzzle loading gun,..... £ 4. 0
- do- breach - do -,..... £ 10. 0

Court of the Administrator and High Court of North-Western Rhodesia.

In Civil cases: For every original summons,
(a) Claim not exceeding £100,..... £ 2. 10. 0
(b) Claim over £100,..... ½ per centum.
" beyond the first £100
(c) For relief other than pecuniary,..... £ 2. 10. 0

Hearing Fee.
(a) Same as the fee on the summons unless
(b) if the Defendant admits the claim in Court, or, Fee reduced by in all cases by default,..... one half.

Special Cases..... £ 1. 0. 0

Every claim or plea,..... £ 10. 0

Sealing Warrants, Commissions to examine Witnesses or other documents,..... £ 10. 0

Interrogatories every set,..... £ 2. 0

-do- -do- answer to..... £ 3. 0

Every summons to witness,..... £ 3. 0

Every affidavit or deposition used at trial,..... £ 3. 0

Every summons notice of motion, or application not specially charged,..... £ 5. 0

Copies of proceedings, first 100 words or less,..... £ 3. 6
Every other 100 words or part of 100 words,..... £ 6

Taxation of costs, for every ten folios,..... £ 5. 0

Application for Review,..... £ 1 0. 0

P R O B A T E.

Letters of Administration: Where the value of the estate does not exceed £100,..... £ 1. 10. 0
-do- exceeds £100,..... £ 1. 0. 0

Each Inventory of the Estate, first 100 words or less, £ 3. 0

Every other 100 words or part of 100 words,..... £ 1. 0

Registering Accounts of Executors and Administrator,.. £ 3. 0

Every Caveat, notice of motion or application,..... £ 5. 0

On Administration by the Court or an Official of the Court, on the net Assets,..... 2½ per centum.

INSOLVENCY.....

INSOLVENCY.

Every Receiving order	£	10. 0.
Every Other		5. 0.
Every attendance at meeting of creditors		10. 0.
Every proof of debt tendered		5. 0.

On liquidation account.

(a)	Where net assets for distribution do not exceed		£100	5. 0.
(b)	- do -	- do -	£300	10. 0.
(c)	- do -	- do -	£500	15. 0.
(d)	- do -	- do -	£1,000	£1. 10. 0.
(e)	Exceeding £1,000 for every additional £100 or part of £100			5. 0.

APPELLATE.

On notice of motion for leave to appeal from Magistrate's Court (Criminal jurisdiction)		10. 0.
On filing every appeal from Magistrate's Court interlocutory on final, to include the Hearing (Civil)	£5.	0. 0.

APPEALS TO HIS MAJESTY IN COUNCIL.

On motion for leave to appeal	£2.	0. 0.
On every security		10. 0.
On an order for leave to appeal	£5.	0. 0.

LAND GRANTS AND QUITRENTS.

(1) Every grant on Quitrent:

When the land granted does not exceed 10 acres		10. 0.
Exceeding 10 but not exceeding 30 acres	£1.	0. 0.
-do- 30 -do- -do- 60 "	£1.	10. 0.
-do- 50 -do- -do- 60 "	£2.	0. 0.
-do- 60 -do- -do- 80 "	£2.	10. 0.
-do- 80 -do- -do- 100 "	£3.	0. 0.
-do-100 -do- -do-3,000 "	@4.	0. 0.
3,000 for every additional 1,000 acres or portion thereof	£1.	0. 0.

(2) Every receipt for Quitrent:

When the land does not exceed 5 acres		3d.
Exceeding 5 but not exceedding 10 acres		6.
-do- 10 -do- 50 "	1.	0.
-do- 50 -do- 100 "	2.	0.
-do- 100 -do- 500 "	4.	0.
-do- 500 acres	7.	6.

EXEMPTION

Fresh grants issued in consequence of erroneous surveys and see section 33 and 34

LEASE OR AGREEMENT FOR A LEASE:

Of any moveable or immovable property	6.

LIFE ASSURANCE.

See Policies of Insurance

LIQUIDATION ACCOUNTS.

LIQUIDATION ACCOUNTS.

See High Court (Insolvency Branch.

MAGISTRATE'S COURT, CIVIL.

For every original Summons.

(a)	Claim not exceeding £5..... £	1. 0.
(b)	-do- £5. for each £.....	3.
(c)	Claim for relief other than money.....	5. 0.

Hearing Fee.

(a) Same as a fee on Summons.
(b) If defendant admits claim in Court and in all cases by default fee to be reduced by one half.

Every original warrant for execution of judgment.....	5. 0.
Every original attachment under Warrant.....	1. 0.
On every set of interrogatories.....	2. 0.
On every answer to interrogatories.....	2. 0.
On every original summons to witnesses.....	2. 0.
On notice of appeal.....	2. 0.
Copies of documents, evidence and proceedings, every 100 or part of 100 words.....	6.
Certificates forwarding proceedings to Appeal Court...	2. 0.
Taxation of Costs, for every £ or part of £ of amount certified as allowed.....	3.

CRIMINAL.

For every summons or Warrant, unless specially directed by the Court to be issued.....	2. 6.
Hearing fee.....	2. 6.
Warrant for Commitment.....	1. 6.
Motion for leave to Appeal.....	2. 0.

MORTGAGES.

See Deeds Registry Office.....

MARRIAGE.

On giving notice of marriage.....	3. 0.
On issue of each certificate or certified copy of a Certificate.....	2. 6.
Certifying any extract.....	2. 6.
On every marriage in Registrar's Office.....	5. 0.

PARTNERSHIPS.

Articles for Partnership.....£2. 0. 0.

PASSPORTS..... 5. 0.

PASSES FOR NATIVES..... 6.

PERMITS.

Under regulation for armed escort caravans.....	1. 0.
To export or purchase cattle.....	5. 0.
To Import Liquor.....	5. 0.
To sell liquor by auction.....	1. 0.
Permit of exemption (Asiatic).....	2. 0.
To import Firearms.....	2. 6.
Under delivery to Natives and Asiatics.....	1. 0.
Every other permit for which though obligatory no fee is specially provided.....	6.

POLICIES OF INSURANCE.

POLICIES OF INSURANCE.

For every policy made or issued within the Territory..
For every £100 or fraction of £100.....£ 6.

POST BILLS.

See Bills.

POWERS OF ATTORNEY.

(1) For the receipt of any one payment.....£ 1.0.
(2) For the receipt of several payments.....
or the continuous receipt of dividends or
interest..... 5.0.

Every other Power of Attorney (except Proxies).....£1. 0.0.

PROMISSORY NOTES.

See Bills, also Section 39.

PROTEST.

On any Bill of Exchange or Promissory Note.....£ 1.0.

PROXIES.

Proxy to vote at any one meeting of shareholders or
members of any Joint Stock Company, Association
or Society..... 1.

and see Section 39.

QUITRENTS RECEIPTS.

See Land Grants.

RECEIPTS.

Receipt given for or upon the payment of money when
the sum exceeds £1..... 1.

EXEMPTIONS.

(1) Receipt for money paid into the Public Revenue
(2) Receipts for money (other than a fixed deposit)
deposited in a bank.
And see Sections 40, 41, and 42.

REGISTRY SURVEYOR.

See Deeds Registry Offices.

TRANSFER

See Deeds Registry Offices..

35 of 1908.

C. O.
27076
Rec'd
25 JUL 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient further to amend the Swaziland Administration Proclamation 1907 (hereinafter referred to as "the principal law") and to provide for the appointment of Deputy Assistant Commissioners in Swaziland.

NOW therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

1. Section twenty-one of the principal law shall be and is hereby amended by the insertion therein after the word "commute" of the words "or remit"

2. The High Commissioner may from time to time appoint for any area within which any Court of Assistant Commissioner has jurisdiction a Deputy Assistant Commissioner, and every Deputy Assistant Commissioner shall have and exercise all the powers authorities and jurisdiction of an Assistant Commissioner in and for the area for which he is appointed provided always that every Deputy Assistant Commissioner shall be subordinate to the Assistant Commissioner for the area for which he is appointed and shall act for such Assistant Commissioner only

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when required by him or by the Resident Commissioner so to act, and provided further that any Deputy Assistant Commissioner may if so required act for the Assistant Commissioner for the area for which he is appointed whether such Assistant Commissioner be present in the area or not, and may act in the disposal of any cases civil or criminal assigned to him for disposal by the Resident Commissioner or by such Assistant Commissioner while such Assistant Commissioner is acting in other cases.

3. This Proclamation shall be read as one with the principal law and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my hand and seal at Pietermaritzburg this 23rd day of June, One thousand nine hundred and eight.

Selborne

High Commissioner.

By His Excellency the
High Commissioner,

C H Rodwell

Imperial Secretary.

No.36 of 1908.

36/08.

C. O.
27086
RECD
25 JUL 08

P R O C L A M A T I O N

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS Swaziland is a party to the South African Customs Union Convention 1906,

AND WHEREAS in accordance with the Swaziland Customs Tariff Proclamation 1906 the Customs Amendment Ordinance 1906 of the Transvaal together with any proclamation and the regulations promulgated under the said Ordinance on or before the 29th day of June One thousand nine hundred and six is in force in Swaziland save as is in the said proclamation provided

AND WHEREAS it is expedient under article nineteen of the said Convention to allow by free importation or rebate an abatement of the duties on wines and spirits imported into Swaziland for the use of the Resident Commissioner.

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906, I do hereby declare proclaim and make known as follows:-

1. An abatement by free importation or rebate shall be allowed of the duties on wines

- and -

and spirits imported into Swaziland for the use of the Resident Commissioner.

2. The Resident Commissioner shall be entitled to the benefit of such abatement in respect of wines and spirits which have been imported into Swaziland for his use at any time subsequent to the fourteenth day of October 1907 and the amount of any duties in respect of such wines and spirits paid by or on behalf of the Resident Commissioner before the date of this proclamation shall be refunded to the Resident Commissioner.

3. This proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my hand and seal at Durban this 29th day of JUNE One thousand nine hundred eight.

Selborne

HIGH COMMISSIONER.

By His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

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PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to regulate the relative rights and duties of Masters, Servants and Apprentices within the limits of the "BAROTZILAND-NORTH-WESTERN RHODESIA Order in Council of 1899" hereinafter referred to as "the Territory".

NOW THEREFORE, under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:-

CHAPTER I.

OF THE CONTRACT OF SERVICE.

Written undertaking of service signed elsewhere than in territory to be in force.

1. A written undertaking to enter the service of any master within the limits of the territory, and signed elsewhere than within such limits, shall be binding upon the person signing the same and be of full force and effect in the territory: provided that such undertaking shall have been signed with the name or in the case of illiterate persons, with the mark of the person thereby engaging to perform service, and by the master either by himself or by some person duly authorised thereto in writing by the master in the presence of a Magistrate Justice of the Peace or British Consul and that such Magistrate Justice of the Peace or Consul shall have subscribed the same in attestation

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of the fact that it was entered into voluntarily and with a clear understanding of its meaning and effect.

And provided further that any such undertaking or contract to perform service shall be liable to be set aside by any Court having jurisdiction either,

(1) Upon reasonable proof to its satisfaction that the person engaging to perform service was induced to enter into or subscribe the same by any fraud, misrepresentation or concealment: or

(2) If such Court having regard to local conditions or circumstances shall be of opinion that it would be inequitable or unreasonable to require or enforce compliance with the terms or requirements of the same;

and shall be subject to such order or direction as the Court shall see fit to make respecting the refund or repayment of any sums of money advanced or expended on his behalf in connection with the service contracted for.

Duration of Contracts.

2. Every contract of service shall in the absence of proof to the contrary be deemed to have been entered into for a period of one month from the commencement thereof. Contracts for service in any trade or manufacture where it has not been agreed that the servant shall during the term of service reside on the premises of the master, shall be deemed to continue only until the evening of Saturday of the same week in which such service commenced.

Oral Contracts and their duration.

3. No oral contract of service shall be valid and binding unless such service commence within one month from the date of the contract, nor shall such

contract continue for more than one year from the commencement thereof.

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4. A written contract of service, whether made within or without the limits of the Territory, and a written undertaking as mentioned in section one hereof may be for any period not exceeding three years.

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5. In case the person signing a contract or undertaking of service be illiterate and only able to affix a cross or mark in lieu of a signature such contract or undertaking as the case may be shall be executed before a Magistrate or any Justice of the Peace if entered into within the limits of the Territory, and before a Magistrate, Justice of the Peace or British Consul if entered into beyond such limits.

rticulars be in- ed in ntract.

6. No special form of a contract of service or of a written undertaking as in the first section mentioned is necessary provided however that in each and every case such contract or undertaking shall contain the date thereof the term for which the service is to last and the rate of wages to be paid the servant and may contain any other special conditions which the master and servant shall agree upon.

rmination onthly weekly racts.

7. Where the service is a monthly one it shall not be put an end to except after a month's notice calculated from and inclusive of the day of such notice unless either party shall have good and lawful reason for sooner determining the contract, or unless it shall have been stipulated that no such notice shall be necessary. When the service is a weekly one a week's notice shall be necessary, subject to the provisions

in this section already mentioned.

tice.

8. If any such notice as in the preceding section mentioned shall have been given by either party, and the master shall suffer the servant to remain, or the servant shall continue in his service after the day on which according to the notice the service should expire, such notice shall be deemed to have been withdrawn and cancelled and the contract of service shall continue as if no notice had been given unless it shall otherwise have been agreed upon between the master and servant.

esidence on remises f master.

9. In every case where the servant is to reside on the premises of the master the latter shall unless otherwise stipulated provide the servant and such of the servant's family as shall have been included in the contract with suitable lodging and sufficient food of good and wholesome quality.

ate of wages hen not greed upon.

10. If in any legal proceeding for the recovery of wages it does not clearly appear what rate of wages was agreed upon the Court shall fix the rate of wages at that usually paid for the kind of service rendered.

ncapacitation f servant hrough sickness or ccident.

11. (1) If any servant shall, in consequence of sickness or accident which shall not have been occasioned by his own fault become temporarily incapacitated he shall unless otherwise provided by the contract of service be entitled to receive his wages for the first month of such incapacity and every other benefit whether for himself or his family stipulated in the contract of service. If at the expiration of the

second month the incapacity of the servant still continues the master shall be entitled to terminate the contract of service upon performance however by him of all stipulations if any mentioned in such contract up to and inclusive of the day on which he shall declare the contract of service to be terminated but the servant shall not be entitled to wages for such second month.

(2) Should the master not think fit on the expiration of the two months aforesaid to terminate the contract of service the servant shall not during the continuance of the aforesaid incapacity be entitled to claim any further wages or any other benefit stipulated for in the contract except such food and lodging as the master shall have agreed or be bound to provide for him and any member of his family.

(3) In case of a servant, hired to perform service in any trade or manufacture, becoming incapacitated as aforesaid he shall not be entitled to any wages whatever but only to such food and lodging as aforesaid and the master shall in the event of the incapacity continuing be at liberty under the same conditions as in this section above stated to determine the contract of service on the expiration of one month from the commencement of such incapacity.

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12. All contracts of service stipulating for the service of a married woman shall be made and executed by her as well as by her husband except where she is living apart from her husband in which case her signature or consent alone shall suffice.

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13. A father or in the event of his death or absence a mother or guardian may contract for the service of any child under the age of sixteen years and if the contract be in writing the name and age of the child shall be stated therein provided however that no master shall have any claim to the services of any such child after he shall have attained the age of sixteen years unless the child consent thereto.

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14. On the death of any person being at the time together with his wife and children if any under contract of service the contract shall be voidable at the election of the master or wife of the deceased upon giving a month's notice to that effect.

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15. Where it is stipulated that the servant shall reside on the premises of the master he shall not be entitled to keep his wife and children if any on such premises unless the master shall have consented thereto in which case the latter shall not be entitled to claim the service of such wife or children by reason merely of their residence on such premises.

CHAPTER. II.

OF APPRENTICESHIP.

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1. Every contract of apprenticeship shall be reduced to writing signed with the name or in case of illiterate persons with the mark of the master and parent or guardian as the case may be of the apprentice and also of the apprentice himself if above the age of sixteen years.

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children
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e of
years.

2. Children not being in a state of destitution and being under the age of sixteen years may be apprenticed by their fathers mothers or guardians as the case

may be until they shall have attained their eighteenth year. Every contract of apprenticeship shall be executed before the Magistrate of the District who shall satisfy himself that the apprenticeship is for the benefit of the child and shall see that due provision is made in the contract for the maintenance and instruction of the apprentice.

Apprenticeship of children.

3. A minor if of the full age of sixteen years may by his own consent be apprenticed for any term not exceeding five years to any trade requiring any peculiar art or skill and if the minor be a female she may with her own consent be apprenticed to any trade as aforesaid or to domestic service for a like period.

Magistrates to be guardians of minors.

4. The Magistrates shall within their respective districts be <u>ex officio</u> the guardians of all such minors as above mentioned who have no parents or guardians within the Territory or none discoverable. The Magistrates may lawfully apprentice such minors.

Destitute children under 16 years.

5. Where any child under the age of sixteen years has been left in a state of destitution the person with whom such child shall have been left or by whom he shall have been found shall with all convenient speed under a penalty not exceeding ten pounds sterling give notice thereof to the nearest Magistrate.

Duties of Magistrates with regard to destitute children.

6. The Magistrate upon receiving such notice as aforesaid shall cause the child to be removed to some suitable place and shall have the child properly maintained at the public cost until he shall have ascertained by due and proper inquiry whether such child

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have any relative fit and willing to maintain and take care of him. If he discover such relative or relatives he shall apprentice the child either to the sole relative or to the one who shall appear best suited in the interests of the child. If no such fit and willing relative be found he shall apprentice the child to some other suitable and proper person until the child shall have attained his eighteenth year.

Gazette of apprentice-ship.

7. The Magistrate shall give notice in the Gazette of every apprenticeship entered into. If upon enquiry it shall appear that the child is not actually destitute, the Magistrate shall decline to act further in the case.

Duties of Magistrates with regard to apprentice-ship of destitute children.

8. The Magistrate shall see that due provision is made for the maintenance and instruction of every destitute child in the contract of apprenticeship and also that such wages as shall be deemed fair and reasonable are paid for the services of the child. The wages are to be deposited annually with the Magistrate, who shall lodge the same on Government account, for the benefit of the apprentice. All wages so deposited shall be duly entered in a book to be kept for that purpose and a proper receipt be given to the master for the same.

Form of contract of appren-ticeship.

9. All contracts of apprenticeship shall as nearly as possible be in the form provided by the schedule to this Proclamation.

Duties etc. of Magistrates devolve upon successors.

10. In case the Magistrate shall die or otherwise cease to act as Magistrate, all the rights and duties in any contract of apprenticeship devolving upon him shall devolve upon his successor in office.

- 11. Every-

Contracts to be executed in triplicate.

11. Every contract of apprenticeship shall be executed in triplicate, of which one shall be given to the master, one to the apprentice, and the third filed and registered in the office of the Magistrate.

Transfer of contract.

12. No master shall assign or transfer a contract of apprenticeship without the consent of the Magistrate under whose jurisdiction he resides. Such consent shall be manifested by written endorsement on the contract of apprenticeship in triplicate, and where the apprentice is of the age of sixteen years or upwards his consent to the assignment or transfer shall likewise be necessary and endorsed as aforesaid.

CHAPTER, III

OF THE DEATH, INSOLVENCY, AND CHANGE OF RESIDENCE OF THE MASTER, ETC.

Contract to terminate after one month from death or insolvency of master.

1. Save as hereafter excepted the death or insolvency of the master shall cause the contract of service to cease after one month from the date of death or insolvency unless the contract shall have sooner determined. The servant shall be entitled to all the benefits of the contract of service up to the expiration of the said month and shall be bound if required to perform service for the person legally representing the deceased or insolvent master in his capacity as such.

Discharge of contract of apprentice-ship.

2. The death insolvency or removal of the master as provided in the sixth section hereof shall be a complete discharge of the contract of apprentice-ship. If any sum of money shall have been paid by or on behalf of an apprentice it shall be lawful for the

Magistrate or other competent Court to order any sum which shall seem reasonable and just to be returned to or for the use of the apprentice by the master or his legal representative. In estimating such sum regard shall be had to the amount originally paid and to the time during which the apprentice has been in service. Every apprentice shall moreover be entitled to his full wages or other remuneration which may have become due previous to or on the dissolution of the contract of apprenticeship.

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3. Where the master of a destitute child apprenticed to him shall die or become insolvent the Magistrate shall if such child is unable to support himself retake the charge and care of him and apprentice him again to some other fit and proper person. If the child be above the age of sixteen years his consent to such re-apprenticeship shall be necessary.

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4. The wife of a deceased master shall if so disposed be entitled to claim the service of any servant or apprentice during the stipulated time of service in which case she shall be bound to perform all the stipulations of the contract which the said master would have been bound to perform.

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5. .In case of a servant or apprentice dying during the term of service his heirs or legal representatives shall be entitled to claim the full wages and other remuneration due to the servant or apprentice up to his death.

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6. No servant or apprentice shall be bound in case the master removes his residence or place of trade or business to a distance more than four miles from the place in which such servant or apprentice had to perform his service to continue to perform his service without his consent or in the case of an apprentice under the age of sixteen years without the consent of his parents or guardians. Such consent shall have been deemed to have been given if the servant or apprentice has for the period of one week performed his service at the place to which his master has removed without any objection from such servant or apprentice or the parents or guardians of the apprentice.

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7. A destitute child who has been apprenticed shall be bound in case of removal to follow and continue to serve his master in any place within the Territory provided the Magistrate of the district which the master is going to leave shall first have given his consent thereto endorsed on the contract of apprenticeship in triplicate. The Magistrate shall thereupon forward the copy of the contract of apprenticeship so endorsed to the Magistrate of the district into which the master is removing to be by him filed and registered in the manner hereinbefore provided; whereupon the Magistrate in such latter district shall have the same rights and duties as if he had himself apprenticed such destitute child.

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8. No servant or apprentice bound to perform domestic service may lawfully refuse to accompany his master or any of his family by desire of the master on any journey within the Territory and in the course

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of such journey to perform any service which he would be bound to perform in his master's house or on his premises. No servant or apprentice may lawfully refuse to go on any journey within the Territory on which his master shall order him to go or in charge of or to drive herd tend or take care of any carriage horse or any kind of cattle horned or otherwise the property or in the lawful possession of or under the lawful control of his master which such servant or apprentice would by reason of his contract be bound to do at his master's residence or on his premises or farm. Provided always that there shall be reasonable ground for believing that such journey will be performed before the expiration of the contract of service or apprenticeship. The master shall be bound to provide the servant or apprentice journeying as aforesaid with food and every other thing necessary and proper to enable him to perform the journey out and back.

Journeys outside Territory.

9. No servant or apprentice shall be bound to accompany his master out of the Territory without the consent of the servant and of the parent or guardian of such servant being a minor; or of the parent or guardian of the apprentice. If the apprentice be of the age of sixteen years or upwards his consent shall also be required.

Service may terminate from date of removal.

10. Where in case of removal the servant or apprentice is not bound to accompany his master or to continue his service and is unwilling so to do the contract of service shall be deemed to have terminated from the date of such removal and the servant shall be entitled to claim wages or other remuneration specified

in the contract up to the date of such removal and for one month additional or up to the expiration of the contract in case the contract shall sooner expire. Provided however that if the master have given notice of his intended removal the servant or apprentice shall not be entitled to wages or other remuneration for more than one month from the date of such notice.

Dissolution of contract upon marriage of female servant or apprentice.

11. When any female servant or apprentice shall be lawfully married during the contract of service or apprenticeship her husband may at any time subsequent to the marriage and by giving seven days notice to the master dissolve the contract and remove his wife from her master's service and shall be entitled to claim the wages and other remuneration to which his wife may be entitled up to such removal but shall be liable to the master for all damage sustained by him through such removal. Such damage shall not exceed the amount of the wages which the wife would have earned between her removal and the expiration of the contract had she continued to perform her service.

Conditions upon which master may dissolve contract upon marriage of female servant or apprentice.

12. Where a female servant or apprentice, bound to reside or perform service in the house or on the premises of her master shall during the contract marry or enter into a state which in this Territory is reputed to be the married state the master shall at any time subsequent to such marriage or reputed marriage be entitled to dissolve the contract and dismiss the servant or apprentice. Where such servant or apprentice is not bound to reside or perform service in the house or on the premises of the master he may dissolve the contract and dismiss the servant or apprentice

whenever by reason of her pregnancy or delivery of a child she shall become unfit for performing her service.

Every servant or apprentice dismissed as aforesaid shall be entitled to her wages and other remuneration up to the date of such dismissal which the master shall be bound to pay before dismissing her.

CHAPTER. IV.

PENAL PROVISIONS.

Penalties for misconduct of servant or apprentice.

1. Any servant or apprentice may upon conviction be fined any sum not exceeding two pounds sterling and in default of payment may be imprisoned with or without hard labour or with or without spare diet for any period not exceeding one month for any of the following acts of misconduct:-

(1) If he shall after having entered into a contract or written undertaking fail or refuse without lawful cause to commence his service at the time stipulated therein.

(2) If he shall without leave or other lawful cause absent himself from his master's house or premises or other place proper and appointed for the performance of his work.

(3) If he shall during working hours or at any time if resident on his master's premises become or be intoxicated.

(4) If he shall neglect to perform any work which it was his duty to have performed or if he shall carelessly or improperly perform any work which from its nature it was his duty under the contract to have performed carefully and properly.

(5) If he shall without leave and for his own purposes make use of any horse vehicle or other property belonging to or in the lawful possession of his master.

(6) If he shall refuse to obey any command of his master or of any other person lawfully placed by his master in authority over him which command it was his duty to obey.

(7) If he shall make any brawl or disturbance in or at his master's dwelling house or other premises or on his master's farm and after being

CO 31480, High Commissioner South Africa Certified Proclamations. 1906-1908. MS Selected Colonial Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online, link.gale.com/apps/doc/BKGGUM443810894/NCCO?u=univmanitoba&sid=NCCO&xid=959934c1&pg=9. Accessed 16 May 2021.

by his master or other person placed by his master in authority over him desired to desist shall notwithstanding continue making such brawl or disturbance.

(8) If he shall be abusive or insulting either by language or conduct to his master or his master's wife or children or to any person lawfully placed by his master in authority over him.

(9) If he shall by wilful breach of duty or by neglect of duty or through drunkenness do any act tending to the immediate loss damage or serious risk of any property placed by his master in his charge or placed by any other person in his charge for delivery to or on account of his master.

(10) If he shall by wilful breach of duty or by neglect of duty or through drunkenness refuse or omit to do any lawful act proper and requisite to be done by him for forwarding in safety any property placed by his master in his charge for delivery to or on account of his master.
If it shall appear that the servant or apprentice is able to pay the loss or damage caused by such act or default as in this or the previous subsection mentioned, proceedings shall, whether the master agree thereto or not, be had as in section twenty-one of this Chapter mentioned, instead of inflicting the punishment by this section provided.

(11) If being employed as a herdsman he shall fail to report to his master the death or loss of any animals placed in his charge which he shall allege to have died or been lost on the earliest opportunity for so doing after he shall have discovered or in the course of his duty was bound to have discovered such death or loss or if he shall fail to preserve for his master's use or inspection any part or parts of any such animal as he shall allege to have died which part or parts he shall by his master have been directed to preserve unless he shall prove to the satisfaction of the Court the death of such animals; or if it shall be made by his master to appear that any such animal or animals alleged by him to have strayed away or otherwise became irrecoverably lost could not under the circumstances of the case have become irrecoverably lost without his act or default.

(12) If he shall without lawful cause depart from his master's service with intent not to return thereto.

Penalties for second or subsequent conviction of misconduct.

2. In case of a second or any further conviction for any of the above offences the offender may in regard to such second or further conviction be fined any

sum not exceeding eight pounds sterling and in default of payment thereof may be imprisoned with or without hard labour for any period not exceeding two months, or may be imprisoned without the infliction of a fine with or without hard labour as aforesaid and shall be liable during such imprisonment or so much thereof as the convicting Magistrate shall adjudge to be kept in solitary confinement with or without spare diet or on spare diet with or without solitary confinement.

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3. No fine paid or period of imprisonment undergone under this Proclamation by a servant or apprentice shall have the effect of cancelling the contract of service or apprenticeship and the servant or apprentice shall be bound to return to his master immediately after having complied with the terms of his imprisonment in order to serve the unexpired period of his service.

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4. The master shall lodge his complaint within thirty days next after the day on which he became aware of the offence or alleged offence failing which no proceedings against the servant or apprentice shall be allowed.

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5. A master or a person placed by him in authority over a servant or apprentice having matter of complaint against any servant or apprentice may warn or order such servant or apprentice to appear before the Magistrate of the district on some certain day and hour to be named by the master or other person as aforesaid in order to answer such complaint the nature of which the master or other person aforesaid shall duly

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intimate to the servant or apprentice. Should the apprentice or servant fail to appear in pursuance of such warning the Magistrate may upon the application of the master or other person as aforesaid and on proof by affidavit that the servant or apprentice received the warning a reasonable time before the time fixed for his appearance and has no lawful cause for not appearing issue a warrant for the apprehension of such servant or apprentice in order to investigate the complaint. In case of conviction upon such complaint the Magistrate may if he be satisfied that the servant or apprentice had no good and sufficient cause for failing to attend adjudge that in addition to the sentence or punishment inflicted he pay to the master or other person as aforesaid such reasonable costs and expenses not being more than those allowed in criminal cases to which the latter may have been put in consequence of such failure of appearance.

Should however the master or person placed in authority as aforesaid prefer to do so he may order and require the servant or apprentice forthwith to proceed in his company before the nearest Magistrate there to answer a charge of having committed an offence against the provisions of this Proclamation. If the servant or apprentice after having been informed of the charge against him neglect or refuse to obey any such order made by his master or person placed in authority as aforesaid the latter may arrest him without warrant and convey him to the nearest Magistrate having jurisdiction in the matter for the purpose of dealing with the alleged complaint.

Procedure when complainant does not appear.

6. In case the complainant having warned the servant or apprentice to appear as in the preceding section mentioned shall himself fail to appear at the appointed time in order to prosecute the complaint the Magistrate upon proof by affidavit that the servant or apprentice was duly warned to appear shall unless the complainant had a good and sufficient reason for failing to appear make an order for the payment of the costs and expenses of such servant or apprentice and of his necessary witnesses if any reckoned at the rate allowed as if each or any of them had been summoned to attend to give evidence in a criminal case before the Magistrate.

If the complainant on the presentation of such order by the person or persons entitled thereto fail or refuse to comply therewith he shall be liable to a fine not exceeding five pounds and in — default of payment to imprisonment not exceeding one month.

Procedure when servant or apprentice who complained against his master does not appear.

7. In case a servant or apprentice having complained against his master for or on account of any offence against this Proclamation shall fail to appear to prosecute his complaint at the time fixed by the Magistrate for the appearance of the defendant the Magistrate shall unless satisfied that such complainant had a good and sufficient reason for his non-appearance ascertain the costs and expenses which the defendant had reasonably incurred in appearing to answer the complaint and order as in the preceding section mentioned the payment of such costs and expenses by the complainant. If on the order being presented to him by the person in whose favour it is made the complainant

shall neglect or refuse to comply therewith he shall incur the same fine and on default of payment thereof the same punishment as in the preceding section mentioned.

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8. No servant or apprentice proceeding to lodge any reasonable complaint which he may have against his master or the person placed in authority over him by his master after having unreasonably been refused leave for this purpose shall thereby be deemed to have deserted his master's service or otherwise contravened this Proclamation.

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9. If the master of any servant or apprentice or the person lawfully placed by the master in authority over him shall be convicted of the offence of with-holding the wages of such servant or apprentice without reasonable and probable cause for believing that the wages so with-held were not really due he shall be sentenced to a fine not exceeding five pounds sterling and in default of payment to imprisonment for any period not exceeding one month.

The Magistrate shall besides passing sentence as herein provided give judgment for the amount of wages wrongfully with-held and for the costs of the proceedings calculated on the scale allowed for civil cases before the Court. The wages and costs if not paid shall be levied of the movable property of the master or person having been placed in authority as aforesaid as the case may be under a warrant signed by the Magistrate together with the costs of the levy.

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should the Magistrate acquit the defendant of the aforesaid offence and yet find that the wages are due and have been retained by the master or other person aforesaid he shall give judgment for the amount of wages due and make such order as to the payment of costs as the justice of the case shall appear.

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10. A master of any servant or apprentice or the person lawfully placed by the master in authority over him who shall either before or on the expiration of the contract of service or apprenticeship after demand made refuse to deliver or permit to be taken away any of such servant's or apprentice's cattle sheep or other animals lawfully remaining or being upon the master's land without his having reasonable and probable cause for believing that the animals are lawfully detained shall be sentenced to a fine not exceeding ten pounds and in default of payment to imprisonment not exceeding one month. Besides passing sentence the Magistrate shall give judgment for the delivery of the said animals and for costs and damages if any for which if not paid execution shall issue all in manner as in the preceding section mentioned. The fact that the contract of service or apprenticeship has not yet expired shall not by itself be deemed reasonable and probable cause for the detention aforesaid.

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11. A master failing to supply any servant or apprentice with suitable food bedding or other articles stipulated for in any contract of service or apprenticeship shall be liable to a fine not exceeding five pounds and in default of payment to imprisonment for any period not exceeding one month.

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12. Whenever it appears to the Magistrate that the master has not fairly and faithfully performed his part of the contract of service or apprenticeship he shall be at liberty should he think fit and the servant or apprentice desire it to order the cancellation of the contract which shall be cancelled accordingly.

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13. Whenever any master or person placed by him in authority as aforesaid or any servant or apprentice or any parent or guardian of the latter shall complain on account of an offence against the provisions of this Proclamation the process of the Court for compelling the attendance of the party accused and of all necessary witnesses shall be instituted at the public charge and without any fees of Court. If at the trial it appear that the charge has been brought without reasonable or probable cause the complainant shall be liable to a fine not exceeding five pounds and also to defray the costs of process and of the witnesses and in default of payment of such fine and costs or any portion thereof he shall be liable to imprisonment for any period not exceeding one month. Such fine may be imposed at the trial without any fresh or further proceedings being instituted for the recovery thereof.

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14. In the infliction of spare diet or solitary confinement under this Proclamation the Magistrate shall observe and conform to such regulations and restrictions as shall from time to time be provided by law and be in force on the subject.

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15. A Master or person placed by him in lawful authority as aforesaid lodging any complaint against any servant or apprentice for any offence under this

Proclamation may make a deposition on oath before a Magistrate to the effect that he believes (stating the grounds of his belief) that the apprehension of such servant or apprentice is necessary in order to secure his appearance before the Magistrate having jurisdiction in the matter whereupon it shall be lawful for the Magistrate to issue his warrant for the apprehension of such servant or apprentice without any previous warning or summons. If the master or person placed in authority by him as aforesaid shall make such deposition maliciously and without reasonable and probable cause he shall be liable to be fined any sum not exceeding ten pounds and in default of payment to imprisonment for any period not exceeding one month.

Persons competent to give evidence

16. In any trial for a breach of any of the provisions of this Proclamation the master servant or apprentice as the case may be and his or her wife or husband shall be competent to give evidence.

Offenders not ordinarily to be treated as Prisoners under arrest.

17. No master servant or apprentice charged with having contravened any of the provisions of this Proclamation and who is not immediately before the hearing of such charge in actual custody shall be compelled to enter the dock or place usually assigned for prisoners under trial nor be otherwise treated as under arrest during the hearing of the charge. If it appear necessary to the Magistrate before whom the case is tried that the master servant or apprentice should, in order to secure his attendance be placed in custody it shall be lawful for the Magistrate to cause him to be detained in custody.

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18. If any servant or apprentice whose contract or written undertaking of service or apprenticeship still subsists shall upon being discharged from prison after having undergone imprisonment under this Proclamation refuse or neglect upon his master's request to resume his service he shall be liable to be imprisoned with or without hard labour for any period not exceeding one month and so on for successive periods not any one of them exceeding one month until he shall consent to resume and shall resume his service and every such period of imprisonment or so much as the Magistrate shall adjudge may be with solitary confinement with or without spare diet or with spare diet with or without solitary confinement. No servant or apprentice however shall be imprisoned continuously and without any intermediate resumption of service under his contract or undertaking for more than six months in all.

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19. When any servant or apprentice shall have undergone a period of imprisonment under this Proclamation he shall be obliged to serve his master for a period equal to that of such imprisonment which shall be added to the stipulated term of service.

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20. If any servant or apprentice shall be convicted and punished for absenting himself or departing from his master's service the period of his absence shall likewise as in the previous section provided be added to the stipulated term of service. The Magistrate on convicting such servant or apprentice shall ascertain and certify in writing to be delivered to the master the period of such absence.

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servant or apprentice may be ordered to make compensation for loss or damage to property of master.

21. If through any act or omission of a servant or apprentice as in this Proclamation provided any damage or loss shall be caused to the master in any of his property the Magistrate may if he think fit order the servant or apprentice if able to make compensation for such loss or damage and may fix the amount and regulate the payment thereof either at once or by instalments out of the wages to be yet earned or otherwise as shall seem reasonable and just and meanwhile until default be made in such payment may defer passing sentence upon the servant or apprentice. The Magistrate shall preserve on record the evidence in the case and upon application of the master and due proof of such default shall issue his warrant for the apprehension of the servant or apprentice and shall pronounce such sentence as due regard being had to what the servant or apprentice may have already paid in part compensation shall seem just.

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22. As often as the master of any servant or apprentice convicted under this Proclamation shall desire the cancellation of the contract of service or apprenticeship the Magistrate if he think fit may order the cancellation thereof and the same shall thereupon be cancelled. Such cancellation shall in nowise affect any sentence which the Magistrate may have pronounced upon the servant or apprentice.

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23. If a master shall have preferred a groundless charge against any servant or apprentice the Magistrate may if he deem fit at the desire of the servant or apprentice or the parent or guardian of the latter if any order the cancellation of the contract of service or apprenticeship and the same shall

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thereupon be cancelled. The same provision shall apply where the master is convicted of unlawfully assaulting his servant or apprentice.

Detention of child under 16 years.

24. If any child under the age of sixteen years shall be wrongfully detained by any person as a servant or inmate the Magistrate of the district shall have jurisdiction to order the restoration of such child to its father mother or guardian as the case may be. If such order be not complied with by the person against whom it is directed he shall be liable on conviction to a penalty not exceeding ten pounds or in default to imprisonment not exceeding one month with or without hard labour. If the child has been obtained possession of by the person complained against in a lawful manner or under circumstances which would render it unfair for such child to be restored to its parents or guardian and it further appear for the benefit of the child to continue to reside with the person complained against the Magistrate shall refuse to order the delivery of the said child and may authorise the person with whom the child is residing to retain possession thereof.

Master liable for loss caused by giving a false certificate of character.

25. No master is bound to give a character to his servant or apprentice at the termination of the service. But every master who shall knowingly give a false character to any servant or apprentice is liable for any loss or damage caused thereby to any third person who by reason of such false character has been induced to take such servant or apprentice into his service.

Penalties for forging certificates and doing other illegal acts.

26. The following persons shall be liable on conviction to a fine not exceeding fifty pounds or

imprisonment for any period not exceeding six months or to both such fine and imprisonment:-

(1) Every person who shall forge or counterfeit and utter any certificate of a servant's or apprentice's character or shall falsely personate any other person and as such either verbally or in writing give a false forged or counterfeit character of any servant or apprentice or other person offering or intending to offer himself to hire as a servant.

(2) Every one who shall offer himself to hire as a servant and who shall assert or pretend that he has served in a service in which he has not actually served or who shall attempt to engage himself or actually engage himself as a servant by means of a false forged or counterfeit certificate of character or by means of a genuine certificate which has been fraudently altered or added to either by himself or with his knowledge.

Penalties for endeavouring to persuade servant or apprentice to leave service and for doing other illegal acts.

27. The following persons shall upon conviction be punished with a fine not exceeding twenty pounds or imprisonment not exceeding three months:-

(1) Any person who shall in any way force or persuade or endeavour to force or persuade any servant or apprentice to depart from his service or work or to return his work to his master before the same shall be finished or who shall by force in any way prevent or endeavour to prevent any person from hiring himself as a servant or apprentice or from accepting work from anyone or who shall force or endeavour to force any servant or apprentice or any other person wishing to hire out his services to belong to any club or association

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or to contribute to any common fund with the purpose of procuring any of the objects in the next succeeding sub-section mentioned.

(2) Any person who by violence to the property of another or by threats or intimidation shall molest or otherwise obstruct another by reason of his not belonging to any particular club or association or of not having contributed or having refused to contribute to any common fund or to pay any fine or penalty or on account of his not having complied or refusing to comply with any rules orders resolutions or regulations made to obtain an advance or a reduction of the rate of wages or to lessen or alter the hours of working or to decrease or alter the quantity of work or to regulate the mode of carrying on any manufacture trade business work or labour or the management thereof.

(3) Any person who by means of any violence threats intimidation molestation or destruction shall force or endeavour to force any manufacturer or person carrying on any trade business work or labour or engaged in agriculture to make any alteration in his mode of regulating or conducting the same or to increase or limit the number of his servants or apprentices.

Discussion of matters arising from relations of master and servant does not render liable to prosecution.

28. The free and voluntary meeting of any persons bona-fide to consult and discuss with each other or among themselves all matters arising from the relation of master and servant does not render such persons liable to any prosecution whatever.

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29. Whenever it may be necessary to take proceedings under this Proclamation against any person or persons employed as servants on any public works of the Territory such proceedings may be conducted by and in the name of any of the officers in charge of the works upon which the servant or servants are employed.

CHAPTER V

GENERAL PROVISIONS.

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1. The term "servant" in the Proclamation shall include any person whether of European native, or other origin employed for (weekly monthly quarterly or annual) hire or wages or other remuneration to perform any handicraft or other bodily labour in domestic service agriculture husbandry trade or manufacture or as coachman driver groom stablekeeper gardener and any other similar occupation. It shall also include any person performing bodily labour in any work or undertaking of whatever kind it may be without any exception in the capacity of labourer but not also in that of a skilled workman.

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2. The word "father" "mother" "parent" "guardian" "relative" "husband" and "wife" shall include reputed father mother parent guardian relative husband and wife. The word "month" shall mean a calendar month.

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3. Except where the contrary clearly appears words used in the masculine shall include the feminine and words used in the singular shall include the plural and vice versa.

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Contracts previously in force not repealed by this Proclamation.

4. Nothing in this Proclamation contained shall be deemed to repeal or annul any valid contract of service or apprenticeship entered into previous to the taking effect of this Proclamation.

Jurisdiction of Magistrates.

5. The Magistrates within the Territory shall have jurisdiction in all cases and questions arising in their respective districts between masters and their servants and apprentices and in all matters and offences whatsoever provided for in this Proclamation.

Jurisdiction in cases arising in other districts.

6. A Magistrate shall have jurisdiction in any matter arising under this Proclamation against any person being at the time within his district although the grounds of such matter may have arisen or the person against whom the complaint is brought has his usual residence outside such district. Should it however appear that any such matter can be more conveniently tried or determined in some other districts the Magistrate shall refer the matter to the Magistrate of such other district. If the servant or apprentice should in such case be charged with desertion and this reasonably appears on oath or affidavit of any credible person the Magistrate may if he think fit issue a warrant for the conveyance under safe custody of such servant or apprentice to the place where the Court of such other Magistrate is held; provided that the master shall undertake to defray the expense of such conveyance and the Magistrate who shall eventually decide upon the matter or complaint shall adjudge by which of the parties the said expense shall be paid.

Conduct of case for servant on appeal by Master.

7. Where in any case between a master and his servant or apprentice under this Proclamation a Magistrate shall have given judgment against the master and the

latter desires to prosecute an appeal in the High Court or in the Court of the Administrator or to have the judgment reviewed the Public Prosecutor or his representative shall appear for and conduct the case for such servant or apprentice.

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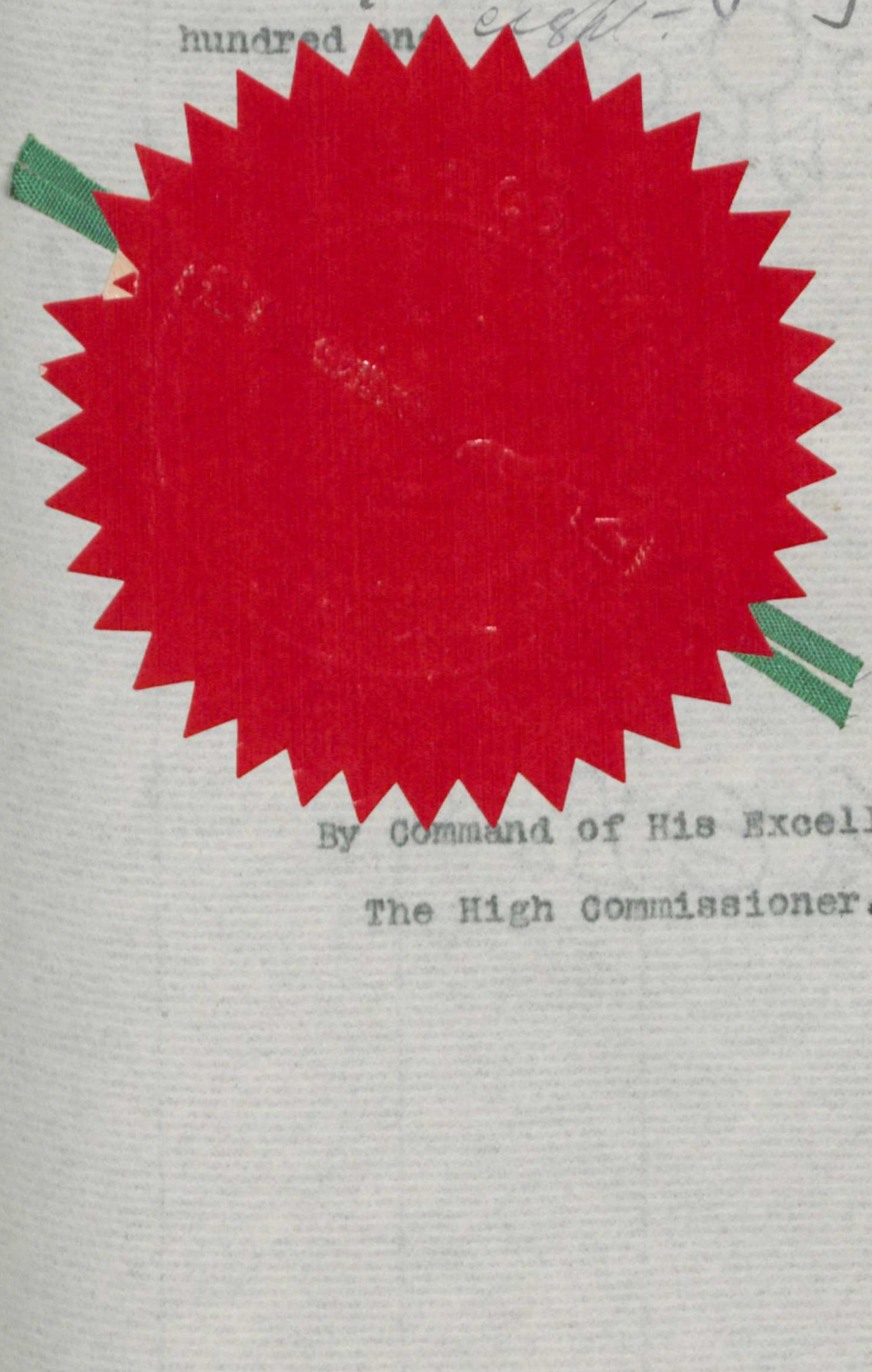
8. Nothing in this Proclamation contained shall if inconsistent therewith be taken to repeal any existing laws or regulations relating to natives.

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9. This Proclamation may be cited for all purposes as "The Master and Servants Proclamation 1908" and shall have force and take effect upon the date of its publication in the Gazette.

GOD SAVE THE KING !

Given under my hand and seal at Pretoria this 9th day of July one thousand nine hundred and eight.



Selborne

High Commissioner

By Command of His Excellency

The High Commissioner.

C H Rothwell

Imperial secretary.

S C H E D U L E

Contracts of Apprenticeship shall as nearly as possible be in the following form:-

This contract of apprenticeship made between the undersigned parties witnesseth that A.....B..... of ..... (if a destitute child this should be stated here) and of the age of .....years, is hereby apprenticed to C..... D.....of .....in the district of..... with him to reside and to serve as.....(here state in what capacity the service or occupation is to be performed) for the period of..... consecutive years, commencing from the date hereof..... The said A.....B..... hereby promises and agrees faithfully to serve the said C.....D....as apprentice, and the said C.....D..... for himself, his heirs and executors, hereby undertakes and covenants to teach and instruct the said A.....B..... in the..... (here state the particular trade or occupation) to the best of his ability, and also to cause him to receive necessary education and religious instruction, and further to provide him with suitable and sufficient food, lodging, clothing and washing and shall also pay as wages to or on behalf of the said A.....B..... the sum of.....(here insert the terms on which the stipulated wages are to be payable).

In witness whereof we, the said A.....B..... and C..... .....D..... have hereunto set our hands.

A.....B..... (Assisted by X.....Y.... parent or guardian if any)

C.....D.....(Here insert the signatures or marks of the parties).

As Witnesses.

M.....N.....
O.....P.....

Dated at..... this..... day of.....A.D. 19.....
In my presence and approved by me.

E.....F.....
(Magistrate).

NOTE:- The Magistrate before whom the contract of apprenticeship is executed, shall see that nothing in the Contract contained shall be contrary to the provisions of this Proclamation relating to apprentice-ship.

38
08.

No. 38 of 1908.

C. O.
28908
RECD
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SANCTIONED

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient in the interests of peace order and good government in the Territory included within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899 hereinafter called"the Territory" to exclude undesirable immigrants.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

Description of prohibited immigrants.

1. Subject to the provisions of this Proclamation it shall be unlawful for any of the following persons to immigrate into the Territory :-

(i) Any person who is not in possession of visible means of support, or is likely to become a public charge.

(ii) Any person who has been convicted of any of the following offences that is to say; murder, rape, theft, fraud, perjury, forgery robbery or arson, and who by the circumstances connected with such offence is deemed by the Administrator to be an undesirable.

(iii) Any person who is a lunatic including an idiot or person of unsound mind incapable of managing his affairs.

, (iv) Any person male or female who lives on or

or knowingly receives any part of the proceeds of prostitution either by way of rent or otherwise.

(v) Any person who is certified by one of the Medical Officers of the Territory to be suffering from a dangerous contagious or infectious disease;

(vi) Any person who from information received by the Administrator from a Secretary of State or from a Governor or Commissioner or Minister or other Official administering the Government of any colony or possession of His Majesty or of any British Protectorate or through diplomatic channels from any Minister of any foreign country is deemed by the Administrator to be an undesirable.

(vii) Any person who is shown by evidence which the Administrator shall deem sufficient to be likely to conduct himself so as to be dangerous to peace and good order in the Territory or to excite enmity between the people of the Territory and His Majesty or to intrigue against His Majesty's power and authority in the Territory.

Persons to whom provisions of Proclamation shall not apply.

2. The provisions of this Proclamation shall not apply to

(i) (a) Members of His Majesty's Naval and Military Forces,

(b) Any person together with his wife family and servants who is duly accredited to any South African Colony or British Possession by -

by or under the authority of His Majesty or of the Government of any Foreign State.

(c) Persons who have served in any of His Majesty's Volunteer Forces in South Africa and have received good discharges.

(d) The wife and minor children of any person who is permitted to immigrate into the territory under the provisions of this Proclamation.

(2) British subjects or other persons of any nationality whom the Administrator shall determine to admit as agricultural or domestic servants, skilled artisans mechanics workmen or miner subject to such rules regulations or restrictions as shall be fixed and appointed in respect thereto with the assent of the High Commissioner.

(3) (a) persons domiciled in South Africa.

(b) Such persons as are mentioned or referred to in the last preceding sub-section (2) whom the Administrator shall in pursuance of the provisions thereof determine to admit and who shall produce a certificate signed by some officer duly appointed by the Administrator to grant certificates for the purposes of this Proclamation in any country other than the territory certifying that the person named therein has been engaged to serve immediately upon arrival in the territory an employer named therein of repute at an adequate remuneration and for a reasonable

- period -

period of time

Provided that it shall be unlawful for any of the following persons to immigrate into the territory without special permission in writing from the Administrator that is to say :-

(a) Persons who have been convicted of the crimes of either murder rape theft fraud perjury forgery robbery or arson

(b) Persons who may be lunatics or idiots or persons of unsound mind incapable of managing themselves or their affairs

(c) Persons who live on or knowingly receive any part of the proceeds of prostitution either by way of rent or otherwise

(d) Persons who are certified by one of the Medical Officers of the territory to be suffering from a dangerous contagious or infectious disease.

(e) Persons who from information received by the Administrator from a Secretary of State or from a Governor or Commissioner or Minister or other Official administering the Government of any colony or possession of His Majesty or of any British protectorate or through diplomatic channels from any Minister of any foreign country are deemed by the Administrator to be undesirables.

(f) Persons who are shown by evidence which the Administrator shall deem sufficient to be likely to conduct themselves so as to be dangerous to peace and good order in the

- territory -

territory or to excite enmity between the people of the territory and His Majesty or to intrigue against His Majesty's power and authority in the Territory.

Permits for prohibited immigrants.

3. The Administrator may permit any of the persons so prohibited from immigrating into the Territory to immigrate into the Territory upon bonds for good behaviour with or without sureties being entered into by or on behalf of such persons upon such conditions and to such amount as the Administrator may determine.

Aiding or assisting prohibited immigrants.

4. It shall be unlawful to aid or assist any person to immigrate into the Territory in contravention of the provisions of this Proclamation.

Power to make regulations.

5. The Administrator may with the sanction and approval of the High Commissioner make regulations

(i) To prevent any immigration into the Territory contrary to and in violation of the provisions of this Proclamation.

(ii) To provide for the removal from within the limits of the Territory of any persons who are under and by virtue of the provisions of this Proclamation prohibited from immigrating and settling therein.

(iii) To provide for the custody control and accommodation of any such persons as aforesaidpending their removal.

(iv) Generally in furtherance of the objects intents and purposes of this Proclamation ahd for its effectual administration.

(v) To prescribe as penalties for the contravention of any such regulations imprisonment with or without hard labour for a period

not -

not exceeding three months or a fine not exceeding fifty pounds or both such imprisonment and such fine.

Penalties

6. Any person immigrating into the Territory in contravention of the provisions of this Proclamation and any person aiding or assisting any person in the contravention of any of the provisions of this Proclamation shall be deemed guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding six months or to a fine not exceeding £100 or to both such imprisonment and such fine.

Removal of prohibited immigrants.

7. Any person immigrating into the Territory in contravention of the provisions of this Proclamation shall in addition to the penalties provided by Section 6 be liable to be removed from within the limits of the Territory and to be kept pending such removal in such custody as may be prescribed by Regulations.

Administrator to report proceedings under Proclamation to High Commissioner.

8. The Administrator shall report to the High Commissioner from time to time all proceedings taken by him under this Proclamation and the grounds thereof and the High Commissioner may rescind such proceedings or may give such other instructions as he shall see fit.

Short title and date of taking effect

9. This Proclamation may be cited for all purposes as the "Immigration Restriction Proclamation 1908" and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given -

Given under my Hand and Seal at Pretoria

this ninth day of July One

thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

No. 39. of 1908

C. O.
28907
RECD
REGD 8 AUG 08

P R O C L A M A T I O N

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient to alter the tariff of fees to be allowed on taxation of costs in the Courts of the Assistant Commissioners, Resident Magistrates and Assistant Resident Magistrates for the Bechuanaland Protectorate in Civil cases wherein the cause of action does not exceed fifty pounds sterling;

NOW therefore by virtue of the powers in me vested I do hereby proclaim declare and make known as follows:-

1. Notwithstanding anything contained in the High Commissioner's Proclamation of the 10th of June 1891, or in any other law in force within the Bechuanaland Protectorate, in all civil cases wherein the cause of action does not exceed fifty pounds sterling the fees to be allowed on taxation in the Courts of the Assistant Commissioners, Resident Magistrates, and Assistant Resident Magistrates for the said Protectorate shall, unless the Assistant Commissioner, Resident Magistrate or Assistant Resident Magistrate hearing the case shall otherwise direct, include in addition to the fees already allowed by law

(1) an allowance to the Attorney of the party to whom costs are awarded at the rate of one guinea a day for each day for which such attorney is necessarily absent from his usual place of business in order to attend the hearing of the case

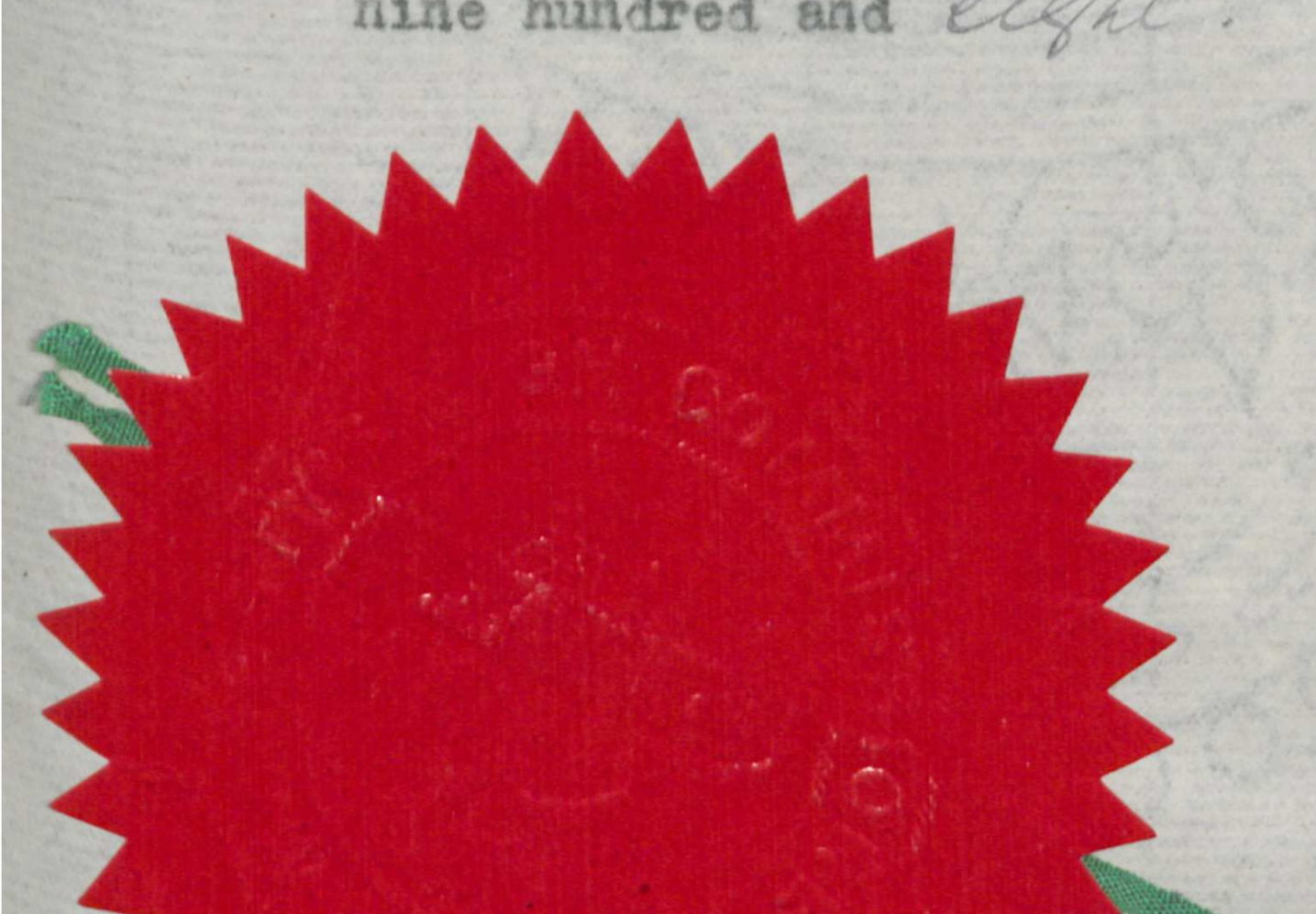
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and (2) the actual travelling expenses reasonably incurred by such Attorney in travelling to and from the Court; provided however that no such allowance as aforesaid shall be included where the period of such necessary absence does not exceed eight hours.

2. This Proclamation shall take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my hand and seal at Pretoria this ninth day of July One thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary

N. W. Rhodesia.

No. 40 of 1908.

SANCTIONED

C. O.
28909
RECD
REG. 8 AUG 08

P R O C L A M A T I O N.

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the provisions of Proclamation No. 6 of 1905 and of Proclamation No. 30 of 1908 in so far as they relate to the jurisdiction in criminal cases of the Courts constituted thereby.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Section twenty-six of Proclamation No. 6 of 1905 shall be and is hereby repealed and the following section substituted therefor :-

"26. - (i) When a Magistrate Native Commissioner "or Assistant Native Commissioner as the case "may be, after hearing all the evidence shall be "satisfied of the guilt of the accused and that "the heaviest punishment that he may by law in- "flict under the jurisdiction vested in him by, "in the case of a Magistrate section twenty-five " of Proclamation No. 6 of 1905 and in the case "of a Native Commissioner or Assistant Native "Commissioner section two of Proclamation No. 30 " of 1908 is inadequate such Magistrate Native "Commissioner or Assistant Native Commissioner as "the case may be may convict the accused and "commit him to gaol and shall forthwith transmit "a report of the case if a Magistrate to the "Administrator's Court if a Native Commissioner "to the Magistrate's Court of his District if

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"an Assistant Native Commissioner to the Court
"of the Native Commissioner of his District,
"together with a full copy of the proceedings
"and of the evidence and his opinion or recom-
"mendation as to the sentence proper to be pro-
"nounced and the Court to which the case is so
"referred shall thereupon decide the case upon
"the materials so placed before it and give such
"directions as to the sentence proper to be pro-
"nounced as may seem fit and in accordance with
real and substantial justice or may quash the
"conviction; provided that -

"(a) If in a case referred by an Assistant
"Native Commissioner to a Native Commissioner
"the Native Commissioner shall be satisfied of
"the guilt of the accused and that the heav-
"iest punishment that he may by law inflict
"is inadequate he shall transmit all the pro-
"ceedings together with his own recommendation
"to the Magistrate of the District who may give
"such directions as to the sentence as afore-
"said or may quash the conviction.

"(b) If in a case referred by a Native Commis-
"sioner to a Magistrate the Magistrate shall
"be satisfied of the guilt of the accused and
"that the heaviest punishment which he may by
"law inflict is inadequate he shall transmit
"all the proceedings together with his own re-
"commendation to the Administrator's Court
"which may give such directions as to the sen-
"tence as aforesaid or may quash the conviction

"(ii) On receipt of the directions given by the

"Court deciding on the sentence in any case
"(which directions may be given by telegram) the
"Magistrate Native Commissioner or Assistant
"Native Commissioner as the case may be shall
"cause the accused to be brought before him in
"open Court and shall then pronounce such sen-
"tence as may have been directed."

2. Section two of Proclamation No.30 of 1908 shall be and is hereby amended by the addition thereto of the following sub-section :-

"(f) No Native Commissioner's Court or Assistant
"Native Commissioner's Court shall commit an
"accused person for trial by the Administrator's
"Court but an Assistant Native Commissioner's
"Court may commit an accused person for trial by
"a Native Commissioner's Court and a Native
"Commissioner's Court may commit an accused per-
"son for trial by a Magistrate's Court subject
"mutatis mutandis to the provisions of section
"seventy sub-section (b) and of section seventy-
"one of Proclamation No.6 of 1905 provided how-
"ever that the Court for trial by which an
"accused person is committed may refer the case
"for trial to the next higher Court if satisfied
"that the case is more proper for cognizance of
"such higher court, which if a Magistrate's
"Court may in turn should it deem fit refer the
"case for trial to the Administrator's Court."

3. This Proclamation shall have force and take effect from the date of its publication in the Gazette and shall be read as one with Proclamation

No. -

No. 6 of 1905 and Proclamation No. 30 of 1908.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria
this ninth day of July One
thousand nine hundred and eight.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

No. 41 of 1908.

P R O C L A M A T I O N.

C. O.
28034
Rec'd
Rec'd 1 AUG 08

By His Excellency the High Commissioner

SANCTIONED

WHEREAS previous to the publication in the Gazette of the decisions of the Swaziland Concessions Commission appointed under Section eleven of the Swaziland Administration Proclamation 1904, (hereinafter referred to as the Commission) great uncertainty has prevailed as to the boundaries of areas of land in Swaziland affected by concessions and as to rights of the holders of concessions in Swaziland.

AND WHEREAS it is expedient to provide for the protection of persons who have acted in the intended exercise of rights of which they bona fide believed themselves or any principal whose agents they were to be the holders under concessions which have been found by the decisions of the Commission not to confer such rights,

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906, I do hereby declare proclaim and make known as follows:-

1. No action or other proceeding shall be maintainable in any court of law against any person in respect of any act done on any land in Swaziland or

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the taking of any minerals or other thing from any such land by or under the authority of such person prior to the date of this Proclamation if it shall be proved that such person did or authorised such act or took or authorised the taking of such minerals or other thing in the intended exercise or rights of which he bona fide believed himself or any principal whose agent he was to be the holder under a concession which has been found by the decisions of the Commission not to confer such rights.

2. Any person who in the intended exercise of such rights as aforesaid has prior to the date of this Proclamation extracted minerals from any land in Swaziland or sown or planted trees or crops, or erected buildings, fencing or any other structure on any such land shall be entitled to remove such minerals trees crops buildings fencing or other structure from such land at any time prior to the thirtieth day of June 1909; provided however that where such removal cannot be carried out without causing damage to the land or to any building or structure thereon which is not removed, the person effecting such removal shall pay the amount of any damage so caused to the person injuriously affected thereby.

3. Nothing in this Proclamation shall deprive any person of any right to compensation for improvements effected on any land in Swaziland or of any right to retain such land until payment of such compensation he may have under the common law or otherwise.

4. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Eighth day of July One thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 42 of 1908.

C. O.
30783
REGD 22 AUG 08

P R O C L A M A T I O N.

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the provisions of Proclamation No. 6 of 1906 and to provide that the High Court of North-Western Rhodesia may be held in Salisbury or Bulawayo or elsewhere in Southern Rhodesia and for the exercise of their powers and jurisdiction by Judges of the High Court of North-Western Rhodesia when within the Territory of Southern Rhodesia.

NOW THEREFORE under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows :-

1. The High Court of North-Western Rhodesia may be held from time to time at Salisbury or Bulawayo or elsewhere in Southern Rhodesia and the said High Court sitting in Southern Rhodesia shall subject to the provisions of this Proclamation have and exercise all the powers functions and jurisdiction now or at any future time appertaining to the said High Court in the territory of Barotziland North-Western Rhodesia (hereinafter referred to as the Territory) and all laws rules procedure and practice in force and which may at any future time be in force in the said High Court in the Territory shall be the laws rules procedure and practice of the said High Court when held in Southern Rhodesia.

2. The Administrator or any judge of the Administrator's Court may on the application of any

- party -

party to any cause or matter which is pending in the said High Court order the same to be set down for hearing by the said High Court either at Salisbury or Bulawayo if it shall appear convenient that such cause or matter should be heard at either of the said places instead of at some place in the Territory provided that due notice of any application to be made under this Section shall be given by the applicant to every other party to such cause or matter. Any cause or matter as to which such order is made may be heard and disposed of at the place specified in such order by the said High Court on any day during any Civil Term of the High Court of Southern Rhodesia.

3. Appeals from the decisions of Magistrates of the Territory whether in Civil or Criminal cases, and motions and matters of urgency in which the attendance of witnesses is not required may without any such order as is mentioned in Section two being made be set down for hearing by the said High Court at Bulawayo and disposed of by the said Court at Bulawayo on any day during any Civil Term of the High Court of Southern Rhodesia.

4. A judge of the said High Court shall without any such order as is mentioned in Section two being made have jurisdiction to hear and determine applications for interim or interlocutory orders in matters of urgency at any place within Southern Rhodesia as well as within the Territory.

5. The Administrator may appoint an additional Assistant Registrar of the High Court who shall reside in Bulawayo and act for the purposes of this Proclamation as Registrar of the said High Court in Southern Rhodesia.

6. This Proclamation shall be read as one with Proclamation No. 6 of 1906 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING

Given under my Hand and Seal at Pretoria this 23rd day of July One thousand nine hundred and eight.

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

IMPERIAL SECRETARY.

No. 43 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS by an Order of Her late Majesty in Council dated the Second day of February 1884 it was provided that all laws in force in Basutoland when such Order should take effect should continue in operation therein;

And whereas the insolvency laws of the Colony of the Cape of Good Hope (including Ordinance No. 6 of 1843) were among the laws which continued in operation under the Order in Council aforesaid;

And whereas it is expedient to amend the said Ordinance No. 6 of 1843 in respect of its operation in Basutoland as aforesaid;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. From and after the taking effect of this Proclamation every person who may be desirous of voluntarily surrendering any estate as insolvent under the provisions of Ordinance No. 6 of 1843 (hereinafter referred to as the said Ordinance) shall give public notice in the *Gazette* at least twenty days before he makes application for the surrender of such estate of his intention to make such application and of the date upon which and the place where he intends to make the same and shall prepare for the inspection of the creditors of such estate a statement of its affairs and all such schedules statements accounts or other documents as he intends to lay before the Court of the Resident Commissioner or Assistant Commissioner to whom such application as aforesaid is to be made in support of the same and shall lodge such statement or statements schedules accounts or documents at the office of the Resident Commissioner or Assistant Commissioner as the case may be where the same shall lie for the inspection of creditors at all reasonable times for a period not less than fourteen days from a date to be stated in such notice and no estate shall be surrendered as insolvent until proof shall have been given to the satisfaction of the Court of the Resident Commissioner or Assistant Commissioner to whom such application as aforesaid is made that the provisions of this section have been complied with.

2. From and after the publication of any such notice as in the last preceding section mentioned it shall not be lawful to sell any property belonging to the estate to which such notice relates attached under any writ of execution or other process in the nature of an execution at any time before the application for the surrender of such estate shall have been made and adjudicated upon except by order of the Court of the Resident Commissioner or Assistant Commissioner to whom such application as aforesaid is made and if the proceeds of any property sold under legal process for the satisfaction of any debt due by such estate shall remain in the hands of the sheriff or other officer of the law at the date of the publication of any such notice such proceeds shall be retained by such sheriff or officer and shall not be paid over or distributed except by order of the Court of the Resident Commissioner or Assistant Commissioner before whom such application as aforesaid shall have been made and adjudicated upon.

3. It shall be lawful for the Court of the Resident Commissioner or Assistant Commissioner upon the petition of any creditor or creditors having a claim or claims amounting in the aggregate to one hundred pounds against any person company or estate of any person deceased or of any person legally or actually incapable of the administration of his estate and whether such claim or claims shall or shall not be actually due or payable at the time stating that such person company or estate of any person deceased or any person legally or actually incapable of the administration of his estate is insolvent

and that it would be for the benefit of the creditors that such estate should be sequestrated and setting forth the grounds upon which such statements are based to grant a provisional order for the sequestration of such estate in terms of the *fifth ninth* or *tenth* section as the case may be of the said Ordinance and thereupon all and singular the provisions of the said Ordinance relating to the compulsory sequestration of persons or companies or estates of persons deceased or of persons legally and actually incapable of the administration of their estate shall *mutatis mutandis* apply to such provisional order.

4. It shall be lawful at any meeting of creditors of any insolvent estate by resolution passed by the votes of the greater part in number and value of the creditors or their agents present and entitled to vote to require from the trustee of such estate reasonable security for the due administration and distribution thereof to such amount as may by such resolution be fixed and determined such security to be approved of by the Master of Court or other officer before whom such meeting may be held and to be filed with the proceedings in the said estate and if any trustee shall fail to provide such security within fourteen days after the date of the passing of such resolution his election if not confirmed shall be void and if confirmed he shall be removed from his trust; provided that it shall be competent to such trustee or any person interested in the due administration of the said estate to bring the amount of such security in review before the Court of the Resident Commissioner and such Court may thereupon make such order as justice may require.

5. Every security given by a trustee under the provisions of the last preceding section shall be cancelled by the said Master as soon as the final account of the liquidation and distribution of the estate shall have been confirmed according to law and receipts for all dividends awarded to creditors of the estate shall have been lodged with the said Master from all such creditors by the said trustee or in the case of unclaimed dividends the amount thereof lodged with the said Master as required by the *one hundred and fifteenth* section of the said Ordinance; provided that the cancellation of such security shall not be taken in any manner to affect the liability of the said trustee in respect of his trust.

6. It shall be lawful for any creditor or the attorney or agent of any creditor as well as for the Master of Court or other officer before whom any meeting of creditors may be held to examine any insolvent upon oath under the provisions of the *sixty-first* section of the said Ordinance and if at any such examination it shall appear to the said Master or other officer as aforesaid that there are reasonable grounds for suspecting that the said insolvent has been guilty of culpable or fraudulent insolvency it shall be the duty of such Master or other officer to call for such further evidence and documents as he may deem necessary and submit such evidence to the officer acting as Crown Prosecutor for the purpose of instituting criminal proceedings against such insolvent and at any such examination no insolvent shall be entitled to refuse to answer any question on the ground that the answer if given might tend to criminate him.

7. If at the trial of any action brought for the purpose of setting aside any alleged undue preference under the provisions of the *eighty-fourth eighty-fifth eighty-seventh ninety-second* or *ninety-fifth* sections of the said Ordinance it be proved that the alienation transfer cession delivery mortgage pledge or payment forming the subject of such action was made granted or given within six months before the sequestration of the estate of the insolvent and at a time when his liabilities fairly calculated exceeded his assets fairly valued it shall be presumed that the insolvent at such time contemplated the sequestration of his estate unless proof be made to the contrary by the defendant in such action.

8. Every insolvent whose estate shall be surrendered or sequestrated after the taking effect of this Proclamation and who shall not have kept or caused to be kept such reasonable and proper books or accounts containing all

such entries concerning and exhibiting the nature of his dealings and transactions as (regard being had to his particular trade or calling) might reasonably be expected or required shall be deemed to be guilty of the crime of culpable insolvency and shall be liable to the punishment by the *seventy-first* section of the said Ordinance provided anything in the said section to the contrary notwithstanding.

9. Every insolvent who shall fail when thereto required in writing by the trustee of his insolvent estate to give a true and sufficient explanation of the cause or causes of his insolvency shall be deemed to be guilty of the crime of culpable insolvency within the meaning of the *seventy-first* section of the said Ordinance and shall be liable to punishment accordingly.

10. The last proviso to the *one hundred and fifth* section of the said Ordinance shall in future be read and construed as if a period of ten days instead of three days were thereby allowed within which to reclaim by notice in writing the possession of any property sought to be recovered by virtue of the said proviso.

11. The rate of remuneration to be paid to trustees who shall be appointed after the taking effect of this Proclamation shall henceforth be—

Upon the proceeds of immovable property for the first one thousand pounds or less than one thousand pounds two and a half per cent. for *every* following one hundred pounds or fraction thereof one and a half per cent.;

Upon the proceeds of movable property for the first one thousand pounds or less than one thousand pounds five per cent. for *any* following one hundred pounds or fraction thereof two and a half per cent.;

but such rate may be increased or reduced as occasion may require by the Court of the Resident Commissioner.

12. The "Insolvents Rehabilitation Act 1859" and the Rules of Court having reference thereto and confirmed by the Act No. 15 of 1867 are hereby repealed as regards their operation in Basutoland and the *one hundred and seventeenth* section of the said Ordinance is hereby re-enacted provided

(1) that it shall be lawful for the Court of the Resident Commissioner upon motion made by any insolvent who shall not have been convicted of the crime of fraudulent insolvency at any time after the lapse of four years from the date of the surrender or sequestration of his estate to make an order for the discharge of such insolvent without the production of any certificate from his creditors (subject to such conditions as to the giving of notice to creditors and otherwise as the Court may impose) and such discharge shall have the same force and effect as the certificate and the allowance thereof in the said section of the said Ordinance mentioned and

(2) that nothing in this section contained shall affect the rights of any insolvent whose estate shall have been sequestrated before the taking effect of the Proclamation and that any application for discharge made by any such insolvent shall be dealt with as if this Proclamation had not been issued.

13. If any trustee shall neglect to lay before the Master of Court any account by the said Ordinance required within the time prescribed it shall be lawful for the said Master and he is hereby required to call upon any such trustee to show cause before the Court of the Resident Commissioner why he should not forthwith be ordered to file the said account and the said Court shall summarily make such order thereon and impose such penalty for the non-observance thereof as to such Court shall seem fit and proper; provided that in rendering all such accounts as aforesaid the trustee shall be guided by and conform to all such rules orders and regulations as

may be made in that behalf by the Court of the Resident Commissioner under and by virtue of the *one hundred and thirty-eighth* section of the said Ordinance.

14. A copy of the *Gazette* containing any notice inserted therein in pursuance of any law relating to or regulating the administration of insolvent estates shall be evidence of the facts stated in the notice.

15. It shall not be lawful for any person to make application for the process of any Court for the civil imprisonment of any insolvent under the provisions of the *one hundred and twenty-fourth* section of the said Ordinance or for leave to issue execution against any insolvent under the provisions of the *one hundred and twenty-seventh* section of the said Ordinance or to proceed in any manner against such insolvent in respect of any debt or demand proved or provable against his insolvent estate at any time after the lapse of four years from the date of the surrender or sequestration of his estate as insolvent; provided that nothing in this section contained shall apply to any insolvent who shall have been convicted of the crime of fraudulent insolvency.

16. Assistant Commissioners shall have jurisdiction in all insolvency proceedings in which under the said Ordinance jurisdiction is given to a Circuit Court in the Colony of the Cape of Good Hope whatever the value of the estate in respect of which such proceedings are taken but shall not have jurisdiction in proceedings in which under the said Ordinance jurisdiction is given only to the Supreme Court of the said Colony, and an appeal shall be from any judgment or decision given by an Assistant Commissioner in any insolvency proceedings to the Resident Commissioner.

17. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Thirtieth day of July One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

No. 44 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the Customs Law and Customs Tariff with regard to goods imported into Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *seven* of Proclamation No. 8 of 1906 shall be and is hereby amended by the deletion of paragraph (*b*) and the substitution therefor of the following provision:—

> "(*b*) Grant a rebate of the whole or part of the duty on methylated spirits or alcohol of Union manufacture intended solely for manufacturing or scientific purposes or for fuel or for export beyond the limits of Basutoland or which may have been destroyed by fire or other unavoidable accident and on soap or other substances imported for and exclusively used in connection with the industry of wool-washing."

2. Section *nine* of Proclamation No. 8 of 1906 shall be and is hereby repealed and the following substituted therefor:—

> "9. For the purpose of estimating the amount of Customs duty whenever levied on goods *ad valorem* and of the declaration and oaths which may be at any time required by law or regulation in relation to the question of such duty, the current value of such goods shall be taken to be the true current value for home consumption in the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturer or supplier in normal quantities, including the cost of packing and packages, but not including agents' commission if it does not exceed 5 per cent.; provided that in no case shall the current value as in this section defined be less than the cost of the goods to the importer at the place of purchase and such value shall be declared by the importer and in the case of goods imported by parcels post the declaration of the sender or consignor shall be deemed to be a declaration made by the importer."

3. The Schedule to Proclamation No. 8 of 1906 shall be and is hereby amended in manner set forth in the Schedule to this Proclamation.

4. This Proclamation shall be read as one with Proclamation No. 8 of 1906 and shall have force and take effect

(*a*) as regards any article on which Customs duty is hereby increased on the *twenty-fourth* day of June 1908; and

(*b*) in other respects on the fifteenth day of August 1908.

God Save the King.

Given under my Hand and Seal at Pretoria this Seventh day of August One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

SCHEDULE.

Class I.—Special Rates.

	Duty.	Rebate upon goods, the growth, produce, or manufacture of the United Kingdom and reciprocating Colonies.
Item 1 shall be deleted.		
Item 4 shall be deleted and the following shall be substituted:—		
"Item 4. Beads, per lb. (or 25 per cent., *ad valorem*, whichever shall be the greater)	6¼d.	¼d., or 3 per cent., as the case may be."
Item 17B. (1) and (2) shall read as follows:—		
"B. (1) In the grain or raw, per 100 lbs.... ...	2s.	2d.
"(2) Ground, malted, or otherwise prepared, including samp, per 100 lbs.	2s. 9d.	3d."
Item 37b. Word "glucose" shall be inserted after word "saccharum."		
Item 40 shall be deleted, and the following shall be substituted:—		
"Item 40. Vinegar, extracts or essences of vinegar, acid, acetic and pyroligneous, per gallon, of any strength not exceeding the strength of proof.		
"(*a*) In bottles or other vessels of a capacity of not more than one imperial quart, per imperial gallon	1s. 1d.	1d.
"(*b*) In larger vessels or in bulk, per imperial gallon	7d.	1d.
"and in addition in either case for each degree of strength in excess of the strength of proof per degree	4d.	1d."

Note.—Proof will be held to be equal to 6 per cent. of absolute acid, and shall be determined in the manner prescribed by the Customs.

Item 52. Words "not including riding saddles" shall be deleted.

Item 56 shall be deleted, and the following shall be substituted:—

"Item 56. Shawls, woollen."

CLASS IV.

Item 74. Word "glucose" shall be deleted.

Item 105. Word "chloride" shall be deleted.

Item 117. Words "in bulk" shall be deleted.

Item 121. Words "and zinc fume, dust, and shavings" shall be added at end.

Item 126. Words "and fruit tree netting" shall be added at end.

CLASS V.

Item 131. Words "patent medicines and sulphuric acid" shall be inserted after word "beer."

Item 139. Words "boracic acid" shall be inserted after word "borax." Words "in bulk" shall be deleted.

Item 144. Word "copra" shall be inserted after word "cotton."

Item 147 shall be deleted and the following shall be substituted therefor:—

"Item 147. Cups, medals, and other trophies imported for presentation as prizes at examinations, exhibitions, shows, or other public competitions for skill or sport; for bravery, good conduct, humanity; for excellence in art, industry, invention, manufactures, learning, science; or for honourable or meritorious public services; or for rifle shooting by Imperial or Colonial Forces, or recognised Rifle Associations, not being for the purpose of advertisement; provided that such articles shall, on importation or delivery free from the Customs, bear engraved or otherwise indelibly marked on them the occasion or purpose for which they are presented."

Item 159 shall be deleted and the following shall be substituted therefor:—

"Item 159. Oils, palm, palm kernel, cotton seed, and cocoanut in bulk, for manufacturing purposes, and under such conditions and regulations as the Customs may prescribe."

Item 161. Words "and platinum wire" shall be added.

Item 172. Word "rennet" shall be inserted.

SANCTIONED

C. O.
32502
RECD
FEB 5 SEP 08

No. 45 of 1908.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the Customs Law and Customs Tariff with regard to goods imported into the Bechuanaland Protectorate.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Section seven of Proclamation No. 9 of 1906 shall be and is hereby amended - by the deletion of paragraph (b) and the substitution therefor of the following provision:-

> "(b) grant a rebate of the whole or part of the "duty on methylated spirits or alcohol of Union "manufacture intended solely for manufacturing "or scientific purposes or for fuel or for ex- "port beyond the limits of the Bechuanaland Pro- "tectorate or which may have been destroyed by "fire or other unavoidable accident and on soap, "or other substances imported for and exclusive- "ly used in connection with the industry of "wool-washing."

2. Section nine of Proclamation No. 9 of 1906 shall be and is hereby repealed and the following substituted therefor :-

> "9. For the purposes of estimating the amount of "Customs duty whenever levied on goods ad val- "orem and of the declaration and oaths which may "be at any time required by law or regulation in "relation to the question of such duty, the cur- "rent value of such goods shall be taken to be "the true current value for home consumption in "the open market for similar goods at the place "of purchase bought in the ordinary manner from "the manufacturer or supplier in normal quanti- "ties, including the cost of packing and pack- "ages, but not including agents' commission if "it does not exceed five per cent; provided that "in no case shall the current value as in this

section -

"section defined be less than the cost of the
"goods to the importer at the place of purchase
" and such value shall be declared by the im-
"porter and in the case of goods imported by
"parcels post the declaration of the sender or
"consignor shall be deemed to be a declaration
"made by the Importer".

3. The Schedule to Proclamation No. 9 of 1906 shall be and is hereby amended in manner set forth in the Schedule to this Proclamation.

4. This Proclamation shall be read as one with Proclamation No 9 of 1906 and shall have force and take effect

(a) as regards any article on which Customs duty is hereby increased on the twenty fourth day of June, 1908; and

(b) in other respects on the fifteenth day of August, 1908.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this seventh day of August One thousand nine hundred and eight.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Bridwell

IMPERIAL SECRETARY.

SCHEDULE.

CLASS I.

SPECIAL RATES.

	Duty.	Rebate upon goods, the growth, produce, or manufacture of the United Kingdom and reciprocating Colonies.
Item I shall be deleted		
Item 4 shall be deleted and the following shall be substituted:-		
"Item 4. Beads, per lb. ... ... (or 25 per cent, ad valorem whichever shall be the greater)."	6¼d.	¼d. or 3 per cent, as the case may be.
Item 17B. (1) and (2) shall read as folle-ws :-		
"B. (1) In the grain or raw, per 100 lbs.	2/-	2d.
(2) Ground, malted or otherwise prepared, including Samp, per 100 lbs	2/9	3d.
Item 37b. Word "Glucose" shall be inserted after word "Saccharum"		
Item 40 shall be deleted and the following shall be substituted:-		
"Item 40. Vinegar, Extracts or Essences of Vinegar, Acid, Acetic and Pyroligneous, per gallon, of any strength not exceeding the strength of proof.		
(a) In bottles or other vessels of a capacity of not more than one Imperial quart, per Imperial gallon	1/1	1d.
(b) In larger vessels or in bulk, per Imperial gallon	7d.	1d.
and in addition in either case for each degree of strength in excess of the strength of proof per degree	4d.	1d.

NOTE. -

NOTE.- Proof will be held to be equal to 6 per cent of absolute acid and shall be determined in the manner prescribed by the Customs.

Item 52. Words. "not including Riding Saddles" shall be deleted.

Item 56. shall be deleted and the following shall be substituted:-

"Item 56. Shawls, Woollen"

C L A S S IV

Item 74. Word "Glucose" shall be deleted.

Item 105. Word "Chloride" shall be deleted.

Item 117. Words "in bulk" shall be deleted.

Item 121. Words "and Zinc Fume, Dust and Shavings" shall be added at end.

Item 126. Words "and Fruit Tree Netting" shall be added at end.

C L A S S V.

Item 131. Words "Patent Medicines and Sulphuric Acid" shall be inserted after word "Beer"

Item 139. Words "Boracic Acid" shall be inserted after word "Borax" Words "in bulk" shall be deleted.

Item 144. Word "copra" shall be inserted after word "cotton".

Item 147 shall be deleted and the following shall be substituted therefor :-

"Item 147. Cups, Medals, and other Trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions for skill or sport; for bravery, good conduct, humanity; for excellence in art, industry, invention, manufactures, learning, science, -

science or for honourable or meritorious public services, or for rifle shooting by Imperial or Colonial Forces, or recognised Rifle Associations, not being for the purpose of advertisement; provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which they are presented."

Item 159 shall be deleted and the following shall be substituted therefor :-

"Item 159. Oils, palm, palm kernel, cotton seed and cocoanut in bulk, for manufacturing purposes and under such conditions and regulations as the Customs may prescribe."

Item 161. Words "and platinum wire" shall be added.

Item 172. Word "rennet" shall be inserted.

46 of 1908

SANCTIONED

C. O.
32502
RECD
RGE 5 SEP 08

P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS the Customs Amendment Ordinance 1906, of the Transvaal (hereinafter referred to as the said Ordinance) is save as is in section one of the Swaziland Customs Tariff Proclamation 1906 provided in force in Swaziland;

AND WHEREAS it is expedient to amend the Customs Law and Customs Tariff with regard to goods imported into Swaziland

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903, as amended by the Swaziland Order-in-Council 1906, I do hereby declare proclaim and make known as follows:-

1. Section six of the said Ordinance shall be and is hereby amended as regards its application to Swaziland:-

(i) by the deletion of paragraph (b) and the substitution therefor of the following provision:-

"(b) grant a rebate of the whole or part of
"the duty on methylated spirits or alcohol
"of Union manufacture intended solely for
"manufacturing or scientific purposes or for
"fuel or for export beyond the limits of
"Swaziland or which may have been destroyed
"by fire or other inevitable accident and on
"soap or other substances imported for and
"exclusively used in connection with the
"industry of wool-washing"

(ii) by

(ii) by the deletion of paragraph (d) of the said section, and the substitution therefor of the following provision:-

"(d) allow the importation free of duty into "Swaziland of any goods and arvicles excepting "spirits the growth, produce, or manufacture "of the Portuguese Province of Mozambique; "provided that the chief constituent parts of "such goods are the products of the soil of "the said Province"

(iii) by the addition to the said section of the following new paragraph (e):-

"(e) grant a rebate or refund of duty on any "raw semi-manufactured or manufactured material "used in the manufacture of any article in "Swaziland on its exportation to any place "beyond the limits of the Customs Union."

2. Section eight of the said Ordinance shall be and is hereby repealed as regards its application to Swaziland and the following provision substituted therefor:-

"8. For the purpose of estimating the amount "of Customs duty whenever levied on goods ad- "valorem and of the declaration and oaths which "may be at any time required by law or regula- "tion in relation to the question of such duty "the current value of such goods shall be "taken to be the true current value for home "consumption in the open market for similar "goods at the place of purchase bought in the "ordinary manner from the manufacturer or sup- "plier in normal quantities including the cost "of packing and packages but not including "agents' commission if it does not exceed five "per cent; provided that in no case shall the "current value as in this section defined be "less than the cost of the goods to the impor- "ter at the place of purchase."

3. The Schedule to the said Ordinance shall be and is hereby amended as regards its application to Swaziland in manner set forth in the Schedule to this Proclamation.

4. This Proclamation shall be read as one with the said Ordinance as applied to Swaziland and may be

cited for all purposes as the Swaziland Customs Amendment Proclamation 1908 and shall have force and take effect

(a) as regards any articles on which Customs duty is hereby increased on the twenty-fourth day of June, 1908; and

(b) in other respects on the fifteenth day of August, 1908.

GOD SAVE THE KING

Given under my Hand and Seal at Pretoria this Seventh day of August one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C.H. Rodwell

Imperial Secretary

SCHEDULE.

CLASS I.

SPECIAL RATES.

	Duty.	Rebate upon goods, the growth, produce, or manufacture of the United Kingdom and reciprocating Colonies.

Item I shall be deleted

Item 4 shall be deleted and the following shall be substituted:-

"Item 4. Beads, per lb. ... ... (or 25 per cent, ad valorem whichever shall be the greater)."	6½d.	½d. or 3 per cent,	as the case may be.

Item 17B. (1) and (2) shall read as folle-ws :-

"B. (1) In the grain or raw, per 100 lbs.	2/-	2d.
(2) Ground, malted or otherwise prepared, including Samp, per 100 lbs	2/9	3d.

Item 37b. Word "Glucose" shall be inserted after word "Saccharum"

Item 40 shall be deleted and the following shall be substituted:-

"Item 40. Vinegar, Extracts or Essences of Vinegar, Acid, Acetic and Pyroligneous, per gallon, of any strength not exceeding the strength of proof.		
(a) In bottles or other vessels of a capacity of not more than one Imperial quart, per Imperial gallon	1/1	1d.
(b) In larger vessels or in bulk, per Imperial gallon	7d.	1d.
and in addition in either case for each degree of strength in excess of the strength of proof per degree	4d.	1d.

NOTE. -

NOTE.- Proof will be held to be equal to 6 per cent of absolute acid and shall be determined in the manner prescribed by the Customs.

Item 52. Words "not including Riding Saddles" shall be deleted.

Item 56. shall be deleted and the following shall be substituted:-

"Item 56. Shawls, Woollen"

C L A S S IV

Item 74. Word "Glucose" shall be deleted.

Item 105. Word "Chloride" shall be deleted.

Item 117. Words "in bulk" shall be deleted.

Item 121. Words "and Zinc Fume, Dust and Shavings" shall be added at end.

Item 126. Words "and Fruit Tree Netting" shall be added at end.

C L A S S V.

Item 131. Words "Patent Medicines and Sulphuric Acid" shall be inserted after word "Beer"

Item 139. Words "Boracic Acid" shall be inserted after word "Borax" Words "in bulk" shall be deleted.

Item 144. Word "copra" shall be inserted after word "cotton".

Item 147 shall be deleted and the following shall be substituted therefor :-

"Item 147. Cups, Medals, and other Trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions for skill or sport; for bravery, good conduct, humanity; for excellence in art, industry, invention, manufactures, learning, science, -

science or for honourable or meritorious public services, or for rifle shooting by Imperial or Colonial Forces, or recognised Rifle Associations, not being for the purpose of advertisement; provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which they are presented."

Item 159 shall be deleted and the following shall be substituted therefor :-

"Item 159. Oils, palm, palm kernel, cotton seed and coccanut in bulk, for manufacturing purposes and under such conditions and regulations as the Customs may prescribe."

Item 161. Words "and platinum wire" shall be added.

Item 172. Word "rennet" shall be inserted.

No 47. of 1908.

SANCTIONED

C. O.
32502
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P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS the Protocol to the Customs Union Convention 1906 as set forth in the Schedule hereunto annexed and hereinafter called the "protocol" was assented to on behalf of the Barotziland North-Western Rhodesia Administration on the 24th day of July, 1908.

AND WHEREAS it is expedient to amend in certain respects the law relating to Customs duties in the Territory within the limits of the Barotziland North-Western Rhodesia Order-in-Council 1899 hereinafter referred to as "the Territory."

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. Sections three and four of the Customs Union Tariff (Barotziland) Proclamation 1906 hereinafter referred to as the said Proclamation shall be and are hereby repealed.

2. Upon goods imported into the Territory there shall subject to the provisions of the said Proclamation as hereby amended be raised levied collected and paid the respective duties set forth in Classes I, II, III, IV and VI of Article II of the Customs Union Convention 1906 as amended by the Protocol.

3. The goods set out in Class V of the said Article II of the Convention shall subject to the amendments made in the Protocol and to the provisions of the said Proclamation as hereby amended and to the provisions of

- the -

the Customs Management (Barotziland) Proclamation 1906 as amended by Proclamation No 19 of 1906 be admitted into the Territory free of duty.

4. Section nine of the said Proclamation shall be and is hereby amended -

(i) by the deletion of sub-section two

(ii) by the deletion of sub-section three and the substitution therefor of the following provision

"(3) grant a rebate of the whole or part of the "duty on methylated spirits or alcohol of Union "manufacture intended solely for manufacturing "or scientific purposes or for fuel and on soap "or other substances imported for and exclusively "used in connection with the industry of wool- "washing."

5. Section fourteen of the Customs Management (Barotzi land) Proclamation 1906 shall be and is hereby repealed and the following provision substituted therefor :-

"14. The term "current value" in the last pre- "ceding section referred to shall be taken to be "the true current value for home consumption on "the open market for similar goods at the place "of purchase bought in the ordinary manner from "the manufacturer or supplier in normal quanti- "ties including the cost of packing and packages "but not including agents' commission if it does "not exceed five per cent; provided that in no "case shall the current value as above defined "be less than the cost of the goods to the im- "porter at the place of purchase".

6. This Proclamation may be cited for all purposes as the Barotziland Customs Amendment Proclamation 1908 and shall have force and take effect

(a) as regards any articles on which Customs duty is hereby increased on the twenty-fourth day of June, 1908; - and -

(b) in other respects on the fifteenth day of August 1908.

GOD SAVE THE KING

Given -

Given under my Hand and Seal at Pretoria

this Seventh day of August One thousand

nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

S C H E D U L E.

P R O T O C O L to the Customs Union Convention entered into between the Governments of the Colonies of the Cape of Good Hope, Natal, the Transvaal, the Orange River Colony and the Territory of Southern Rhodesia, which came into force in March 1906.

WHEREAS in terms of Article XXIII of the South African Customs Union Convention, 1906, the Government of the Transvaal gave notice of their intention to retire from the Customs Union on the 30th day of June, 1908;

AND WHEREAS at a Conference held at Pretoria and Cape Town in the month of May, 1908, it was agreed between the parties to the said Customs Convention to continue the same subject to the conditions as set out hereafter;

AND WHEREAS in accordance with this decision the Government of the Transvaal have withdrawn their notice of intention to retire from the South African Customs Union on the 30th day of June, 1908;

His Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of Natal, His Excellency the Governor of the Transvaal, His Excellency the Governor of the Orange River Colony and His Honour the Administrator of Southern Rhodesia mutually, on behalf of their respective

- Governments -

Governments, do hereby signify their joint assent, in terms of Article XXVI of the said Convention, to the following amendments therein, namely, that -

1. Article II. Words "within its jurisdiction" shall be deleted.

CLASS I.- SPECIAL RATES.

	Duty.	Rebate upon goods, the growth, produce, or manufacture of the United Kingdom and reciprocating Colonies.

Item I shall be deleted.

Item 4 shall be deleted and the following shall be substituted :-

"Item 4. Beads, per lb. (or 25 per cent, ad valorem, whichever shall be the greater)"	6¼d.	¼d.or 3 per cent, as the case may be

Item 17B. (1) and (2) shall read as follows :-

"B. (1) In the grain or raw, per 100 lbs.....	2/-	2d.
(2) Ground, malted or otherwise prepared, including Samp, per 100 lbs.....	2/9	3d.

Item 37b. Word "Glucose" shall be inserted after word "Saccharum"

Item 40 shall be deleted and the following shall be substituted :-

"Item 40. Vinegar, Extracts or Essences of Vinegar, Acid, Acetic and Pyroligneous, per gallon, of any strength not exceeding the strength of proof."		
(a) In bottles or other vessels of a capacity of not more than one Imperial quart, per Imperial gallon	1/1	1d.
(b) In larger vessels or in bulk per Imperial gallon.....	7d.	1d.
and in addition in either case for each degree of strength in excess of the strength of proof, per degree.....	4d.	1d.

NOTE.-Proof will be held to be equal to 6 per cent of absolute acid and shall be determined in the manner prescribed by the Customs.

CLASS III.

Item 52. Words "not including Riding Saddles" shall be deleted.

Item 56. shall be deleted and the following shall be substituted :-

"Item 56. Shawls, Woollen."

CLASS IV.

Item 74. Word "Glucose" shall be deleted.

Item 105. Word "Chloride" shall be deleted.

Item 117. Words "in bulk" shall be deleted.

Item 121. Words "and Zinc Fume, Dust and Shavings" shall be added at end.

Item 126. Words "and Fruit Tree Netting" shall be added at end.

CLASS V.

Item 131. Words "Patent Medicines and Sulphuric Acid" shall be inserted after word "Beer"

Item 139. Words "Boracic Acid" shall be inserted after word "Borax" Words "in bulk" shall be deleted.

Item 144. Wdrd "copra" shall be inserted after word "cotton"

Item 147 shall be deleted and the following shall be substituted therefor :-

"Item 147. Cups, Medals and other Trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions for skill or sport; for bravery, good conduct, humanity; for excellence in art industry, invention, manufactures, learning, science, or for honourable or meritorious public services, or for rifle shooting by Imperial or Colonial Forces, or recognised Rifle -

Rifle Associations, not being for the purpose of advertisement; provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which they are presented".

Item 159 shall be deleted and the following shall be substituted therefor :-

"Item 159. Oils, palm, palm kernel, cotton seed and cocoanut, in bulk, for manufacturing purposes, and under such conditions and regulations as the Customs may prescribe."

Item 161. Words "and platinum wire" shall be added.

Item 172. Word "rennet" shall be inserted.

2. Article XIV shall be deleted.

3. Article XVI shall be deleted and the following shall be substituted therefor:-

"Article XVI. (a) Any Colony or Territory belonging to the Union may at any time levy a Customs Duty upon Ale or Beer and Blasting Compounds and Patent Medicines and Sulphuric Acid manufactured from imported ingredients for other than the manufacture of explosives, the produce or manufacture of any other Colony or Territory in the Union not exceeding any duty of Excise which may be levied by the importing Colony or Territory on the produce or manufacture of articles of a like description produced or manufactured within its own borders, always provided that such articles from whatsoever part of the Union they may be imported shall be liable to uniform duties."

(b) -

"(b) Where a duty of Excise is levied on any article in any Colony or Territory belonging to the Union such article may be removed under Bond under terms of Article X to any other Colony or Territory in the Union."

"(c) Any Colony or Territory in the Union may levy a duty of Excise not exceeding 9/- per proof gallon with an allowance for underproof down to 7/6d. per gallon on Spirits manufactured from the produce of the vine within its jurisdiction, and may impose a duty of Customs not exceeding the amount of such duty of Excise on such Spirit the produce of the vine manufactured elsewhere in the Union when imported into its Territory, always provided that such Spirits from whatsoever part of the Union they may be imported shall be subject to a uniform rate of duty."

"(d) Each contracting party to the Convention may, in regard to Spirits, other than the produce of the vine, manufactured within the Union, prohibit their importation if the distillation of Spirits of a like kind is prohibited within its own jurisdiction, or levy a duty equal to that imposed on Spirits not the produce of the Union; if, however, the distillation of such Spirits is allowed in its own Territory a duty of Excise shall be imposed thereon which shall not be less than the highest rate of Excise imposed in any Colony or Territory in the Union on Spirits distilled from the produce of the vine, and the Colony imposing such Excise shall levy a Customs Duty equal to such Excise

on -

on such Spirits produced elsewhere in the Union on the importation into its Territory."

"(e) It shall be lawful for any of the parties to this Convention to charge by way of surtax an additional duty on non-Union Spirits and Patent Medicines for consumption in its own Territory."

"(f) The importation into any part of the Union of spirits manufactured elsewhere within the Union shall be subject to such regulations as may be agreed on between the respective Governments."

4. Article XVIII. Words "of Union manufacture" shall be inserted after word "alcohol", and word "intended" shall be substituted for the word "imported"

5. Article XX. Where words "current value" occur for the second time the words "for home consumption" shall be inserted thereafter.

6. Article XXII. The words "or of British Central Africa" shall be deleted.

7. Article XXIII shall be deleted and the following Article shall be substituted therefor :-

"Article XXIII. The provisions of this Convention shall continue in force until the 30th June 1909, and thereafter for periods of twelve months provided that any party thereto may give not less than three months' notice, either before or after 30th June, 1909, of its wish to amend the Convention, or its intention to retire therefrom, as from the 30th June following such notice."

8. - Article

8. Article XXIV shall be deleted.

9. Article XXVII. Words "of tobacco or preparations of tobacco" and words "or flour, wheaten meal or pollard manufactured from other than South African Wheat" shall be deleted.

10. The following Article shall be added :-

"Article XXVIII. Any Colony or Territory in the Union may grant a rebate or refund of duty on any raw, semi-manufactured or manufactured material used in the manufacture of any article within its jurisdiction on exportation to any country beyond the limits of the Union."

11. Schedule "E" shall be deleted.

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope at C A P E T O W N this 22nd day of JUNE, One thousand Nine hundred and Eight.

WALTER HELY-HUTCHINSON

GOVERNOR.

Given under my Hand and the Public Seal of the Colony of Natal at P I E T E R M A R I T Z B U R G this 23rd day of JUNE One thousand Nine hundred and Eight.

M. NATHAN

GOVERNOR.

Given under my Hand and the Public Seal of the Colony of the Transvaal at P R E T O R I A this 9th day of JUNE, One thousand Nine hundred and Eight.

SELBORNE

GOVERNOR.

Given under my Hand and the Public Seal of the Colony of the Orange River Colony at B L O E M F O N-T E I N this 10th day of JUNE, One thousand Nine hundred and Eight.

H. GOOLD-ADAMS.

GOVERNOR.

Given under my Hand and the Public Seal of the Territory of Southern Rhodesia at S A L I S B U R Y this 17th day of JUNE, One thousand Nine hundred and Eight.

W. H. MILTON

ADMINISTRATOR.

On behalf of His Majesty's Government of Basutoland I hereby signify my assent to the Protocol.

Given under my Hand and the Public Seal of Basutoland at *Pretoria* this *24th* day of *July* One thousand Nine hundred and Eight.

SELBORNE

HIGH COMMISSIONER.

On behalf of His Majesty's Government of the Bechuanaland Protectorate I hereby signify my assent to the Protocol.

Given under my Hand and the Public Seal of the Bechuanaland Protectorate at *Pretoria* this *24th* day of *July* One thousand Nine hundred and Eight.

SELBORNE

HIGH COMMISSIONER.

On behalf of His Majesty's Government of the Territory of Swaziland I hereby signify my assent to the Protocol.

Given under my Hand and the Public Seal of the. Territory of Swaziland at *Pretoria*

this -

this 24th day of July. One

thousand Nine hundred and Eight.

SEIBORNE

HIGH COMMISSIONER.

On behalf of the Goverrment of North-Western Rhodesia (Barotziland) I hereby signify my assent to the Protocol.

Given under my Hand and the Public Seal of North-Western Rhodesia at Pretoria

this 24th day of July. One

thousand Nine hundred and Eight.

SELBORNE

HIGH COMMISSIONER.

No. 48 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is desirable to add to the provisions of Proclamation No. 23 of 1908 for the purpose of more effectually preventing the spread of the disease of East Coast Fever into the territory of Basutoland;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. No person shall introduce or import or cause or allow to be introduced or imported from the Colony of Natal into any part of the territory of Basutoland any reeds grass hay straw kraal manure or any other article likely to act as a carrier of ticks and any such article introduced or imported into the said territory in contravention of this Proclamation shall be liable to be confiscated and destroyed.

2. Any person contravening the provisions of this Proclamation shall be subject to a penalty not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months unless such fine be sooner paid.

3. This Proclamation shall be read as one with Proclamation No. 23 of 1908 and shall have force and take effect from the date of its publication in the *Gazette*.

God Save the King.

Given under my Hand and Seal at Pretoria this Eleventh day of August One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency
the High Commissioner.

C. H. RODWELL,
Imperial Secretary.

No. 49

No. 49 of 1908.

C. O.
32503
Recd
Rec'd 5 SEP 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS it is expedient further to amend the provisions of the Swaziland Administration Proclamation 1904;

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Subsection (6) of section twelve of the Swaziland Administration Proclamation 1904 shall be and is hereby amended by the deletion of the words "three months" and the substitution therefor of the words "six months".

2. This Proclamation shall be read as one with the Swaziland Administration Proclamation 1904 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

- Given -

Given under my Hand and Seal at Pretoria

this 11th day of August One thousand nine

hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency

the High Commissioner.

C H Rodwell

Imperial Secretary.

No 50 of 1908.

C. O.
32506
Recd
Rec'd 5 SEP 08

P R O C L A M A T I O N.

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend the provisions of "The Cattle Export and Purchase Proclamation 1908" (No. 32 of 1908) with regard to the purchase of native cattle in the Territory included within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Section two of "The Cattle Export and Purchase Proclamation 1908" shall be and is hereby amended by the deletion therefrom of the words "or Asia".

2. Section seven of "The Cattle Export and Purchase Proclamation 1908" shall be and is hereby repealed and the following section shall be substituted therefor :-

"7. - No person other than a native of Africa
"who is a member of a tribe residing within
"the Territory and under the tribal rule of
"the Paramount Chief of the Barotse Nation
"shall purchase any native cattle without
"first having obtained a permit as herein-
"after provided authorising such purchase."

3. This Proclamation shall be read as one

- with -

with "The Cattle Export and Purchase Proclamation 1908" and shall have force and take effect from the date of its first publication in the Gazette.

GOD SAVE THE KING

GIVEN UNDER MY HAND AND SEAL AT Pretoria

THIS 11th DAY OF August ONE THOUSAND NINE HUNDRED AND EIGHT.



Selborne

HIGH COMMISSIONER.

BY COMMAND OF HIS EXCELLENCY THE HIGH COMMISSIONER.

C H Rodwell

IMPERIAL SECRETARY.

No. 52 of 19 08.

C. O.
37064
RECD
REC 10 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend the Fugitive Criminals Surrender Proclamation 1908 (No. 16 of 1908) (herein referred to as "the said Proclamation") whereby provision is made for the surrender of fugitive criminals in the territory within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Sub-section (i) of section three of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "before whom he is brought on habeas corpus or any similar writ or proceeding" and the substitution therefor of the words "or of the High Court or the Administrator's Court before which he is brought upon an application for release."

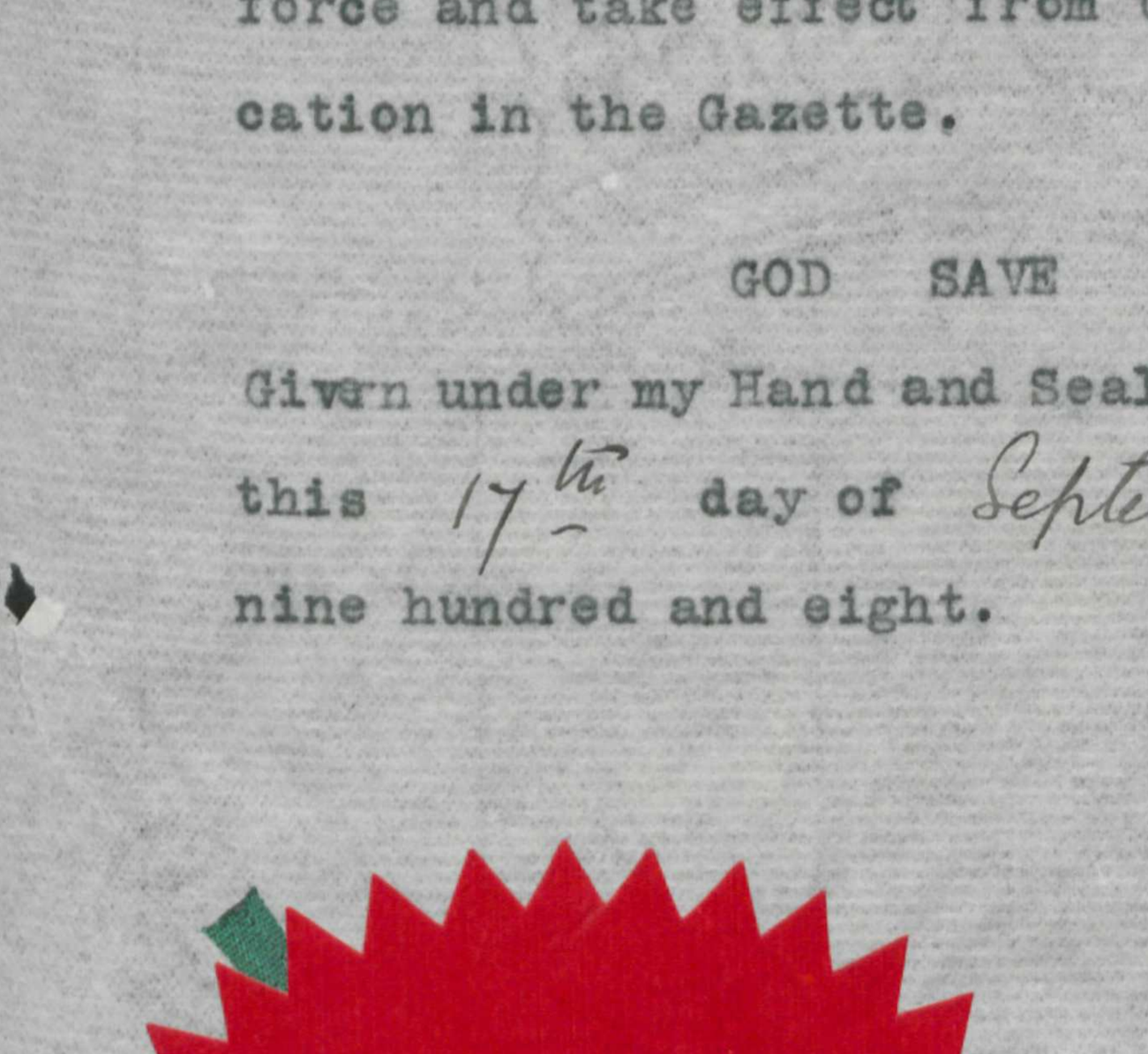
2. Section nineteen of the said Proclamation -

Proclamation shall be and is hereby amended by the deletion therefrom of the words "The term "Magistrate" includes an "Acting Magistrate" and the substitution therefor of the words "The term "Magistrate" means any Magistrate or Acting Magistrate authorised by the High Commissioner by notice in the Gazette to exercise jurisdiction under this Proclamation".

3. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Brodrick

Imperial Secretary.

No. 51 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to restrict the exportation from the territory of Basutoland of Angora rams and ewes;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Proclamation No. 26 of 1907 imposing a duty of one hundred pounds on every Angora ram or ewe exported from Basutoland shall be and is hereby repealed.

2. (i) On and after the date of the taking effect of this Proclamation it shall not be lawful to export from Basutoland save as is in this section provided any Angora ram or ewe.

(ii) Nothing in this section contained shall apply to the export of any Angora ram or ewe from Basutoland to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the *Gazette* that there is a law in force in such Colony or Territory prohibiting under penalties equal to the penalties hereinafter mentioned the exportation therefrom of Angora rams or ewes except to a Colony or Territory in South Africa which is in like manner exempted from the prohibition contained in such law.

3. Any person who shall contravene the provisions of this Proclamation by exporting any Angora ram or ewe (save as hereinbefore excepted) shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

4. This Proclamation shall have force and take effect from the First day of September 1908.

God Save the King.

Given under my Hand and Seal at Pretoria this Eleventh day of August One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

C. H. RODWELL,
Imperial Secretary.

Printed by the Government Printer, Pretoria.

No. 52 of 19 08.

SANCTIONED.

C. O.
37064
REC.D
REC. 10 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the Fugitive Criminals Surrender Proclamation 1908 (No. 16 of 1908) (herein referred to as "the said Proclamation") whereby provision is made for the surrender of fugitive criminals in the territory within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Sub-section (i) of section three of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "before whom he is brought on habeas corpus or any similar writ or proceeding" and the substitution therefor of the words "or of the High Court or the Administrator's Court before which he is brought upon an application for release."

2. Section nineteen of the said Proclamation -

Proclamation shall be and is hereby amended by the deletion therefrom of the words "The term "Magistrate" includes an "Acting Magistrate" and the substitution therefor of the words "The term "Magistrate" means any Magistrate or Acting Magistrate authorised by the High Commissioner by notice in the Gazette to exercise jurisdiction under this Proclamation".

3. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 53 of 1908.

C. O
37064
Rec'd
Rec'd 10 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend the Fugitive Criminals Surrender Proclamation 1908 (No. 14 of 1908) (hereinafter referred to as "the said Proclamation") whereby provision is made for the surrender of fugitive criminals in the Bechuanaland Protectorate.

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Sub-section (i) of section three of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "before whom he is brought on habeas corpus or any similar writ or proceeding" and the substitution therefor of the words "or of the Court of the Resident Commissioner before which he is brought upon an application for release".

2. Section seventeen of the said Proclamation shall be and is hereby amended by the deletion from the penultimate paragraph thereof of the words "a magistrate" and the substitution

therefor -

therefor of the words "the Court".

3. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

SANCTIONED

C. O.
37064
Rec'd
10 OCT 08

No. 54 of 1908.

P R O C L A M A T I O N.

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the Fugitive Criminals Surrender, Proclamation 1908 (No. 15 of 1908) (hereinafter referred to as "the said Proclamation") whereby provision is made for the surrender of fugitive criminals in the territory of Swaziland:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Sub-section (i) of section three of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "before whom he is brought on habeas corpus or any similar writ or proceeding" and the substitution therefor of the words "or of the Special Court or the Court of the Resident Commissioner before which he is brought upon an application for release."

2. Section seventeen of the said Proclamation shall be and is hereby amended by the deletion -

deletion from the penultimate paragraph thereof of the words "a magistrate" and the substitution therefor of the words "the Court".

3. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C. H. Rodwell

IMPERIAL SECRETARY.

No. 55 of 1908

SANCTIONED

C O.
37892
Recd
Rec. 17 OCT 08

P R O C L A M A T I O N

By His Excellency the High Commissioner.

WHEREAS it is expedient to alter the boundary dividing the Bakwena Native Reserve and the Bangwaketsi Native Reserve in the Bechuanaland Protectorate as defined by Proclamation No.9 of 1899 dated the 29th day of March 1899 (hereinafter referred to as the said Proclamation).

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The description of the boundary of the Bakwena Native Reserve contained in section four of the said Proclamation shall be and is hereby amended by the deletion therefrom of the words "thence in a north westerly direction to a point half-way between Luthlu and Sekgoma" and the substitution therefor of the words "thence to a spot in the centre of the Mafatels River immediately opposite to the said beacon; thence up the centre of the Mafatels River to its junction with the Kubung Spruit; thence up the centre of the Kubung Spruit to the spot where the said Spruit is intersected by a straight line drawn from the aforesaid beacon on the south side of the Mafatels River to a point halfway between Luthlu and Sekgoma; thence along such straight line until it reaches the said point halfway between Luthlu and Sekgoma".

2. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my hand and seal at Pretoria this 17th day of September One thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency

The High Commissioner.

C H Rodwell

Imperial Secretary.

No. 56 of 1908.

C. O.
37910
Recd
Reg. 17 OCT 08

P R O C L A M A T I O N.

By His Excellency the High Commissioner.

SANCTIONED

WHEREAS the Swaziland Administration Proclamation 1904 (in this Proclamation referred to as the Principal Law) has been amended in certain respects by the Swaziland Concessions Partition Proclamation 1907.

AND WHEREAS it is expedient further to amend certain provisions of the principal law as amended by the said Proclamation with respect to the lodging of title deeds of concessions with the Registrar of Deeds for endorsements to be made thereon;

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order-in-Council 1903 as amended by the Swaziland Order- in-Council 1906, I do hereby declare proclaim and make known as follows:-

1. Sub-section (4) of section <u>fifteen</u> of the principal law [as amended by section <u>fourteen</u> of the Swaziland Concessions Partition Proclamation 1907] shall be and is hereby amended by the deletion of all words in the said sub-section after the words "similarly determined" and the substitution

- therefor -

therefor of the following words:- "and shall cause a copy of such decision to be transmitted to the Registrar of Deeds who shall upon receipt thereof cause the necessary entries to be made in his registers and endorsements to be made on the office copies or duplicates of the title deeds of any concession affected thereby and also on such original title deeds or copies thereof as may be lodged with him as hereinafter provided. Any decision given by the Commission under this sub-section shall be notified to every holder whether in whole or in part of any concession affected thereby, and every such holder shall within two months or such further time as the High Commissioner may allow after receipt of such notification lodge with the Registrar of Deeds the original title deed whereby he became the registered owner in whole or in part of any such concession, or, where such original title deed has been lost or destroyed a duly certified copy issued to take the place thereof, in order that such endorsement as aforesaid may be made thereon; provided that where such original title deed has been lost or destroyed and no duly certified copy has been issued to take its place the Registrar may accept as sufficient for the purpose of this sub-section a certified copy of such title deed "issued for information only" together with a solemn declaration in respect thereof by the holder or his legal representative in the form as nearly as may be set out in the Schedule to this Proclamation. If

any such holder shall fail to lodge such title deed or copy thereof, as hereby required the Registrar of Deeds shall notify such failure in the Gazette and in three newspapers circulating in Swaziland and in the Transvaal.

2. This Proclamation shall be read as one with the principal law and the Swaziland Concessions Partition Proclamation 1907, and the amendment hereby made shall be deemed to have been inserted in the principal law at the date of the taking effect thereof and shall have force and effect as from such date.

GOD SAVE THE KING!

Given under my Hand and Seal at Pretoria this 23rd day of September One thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretary.

S C H E D U L E

S O L E M N D E C L A R A T I O N

I

(here insert full name: and if the declaration is made by a person acting in the capacity of an executor or trustee of an estate state the fact)

do hereby solemnly and sincerely declare that a

certain title deed

(here insert full description of deed and of concession to which it relates)

has been actually lost or destroyed and cannot be found although diligent search has been made therefor.

I also declare that the said deed has not been pledged and is not being detained or held by any one as security for debt or otherwise.

I further declare that

(here state the circumstances under which the deed was lost or destroyed, or, if unable to do so, say "I am unable to state the circumstances under which the said deed was lost or destroyed")

And I make this declaration conscientiously believing the same to be true.

(SIGNATURE)

DECLARED before me this day of

190.....

Justice of the Peace.

No. 57 of 1908

"in effect though not "formally" sanctioned

C O
37909
REC'D
17 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to restrict the exportation from the territory of Swaziland of Angora rams and ewes;

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903, as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Proclamation No.18 of 1908 imposing a duty of one hundred pounds on every Angora ram or ewe exported from Swaziland shall be and is hereby repealed.

2. (i) On and after the date of the taking effect of this Proclamation it shall not be lawful to export from Swaziland save as is in this section provided any Angora ram or ewe.

(ii) Nothing in this section contained shall apply to the export of any Angora ram or ewe from Swaziland to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the Gazette that there is a law in force in such Colony or Territory prohibiting under penalties equal to the penalties hereinafter mentioned the exportation therefrom of Angora rams or ewes except to a Colony or Territory in South

Africa which is in like manner exempted from the prohibition contained in such law.

3. Any person who shall contravene the provisions of this Proclamation by exporting any Angora ram or ewe (save as hereinbefore excepted) shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

GOD SAVE THE KING!

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.

HIGH COMMISSIONER

By Command of His Excellency the High Commissioner.

IMPERIAL SECRETARY.

No. 58 of 1908.

"in effect though not "formally" sanctioned

C O
37909
Rec'd
17 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to restrict the exportation from the Bechuanaland Protectorate of Angora rams and ewes;

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Proclamation No. 17 of 1908 imposing a duty of one hundred pounds on every Angora ram or ewe exported from the Bechuanaland Protectorate shall be and is hereby repealed.

2. (i) On and after the date of the taking effect of this Proclamation it shall not be lawful to export from the Bechuanaland Protectorate save as is in this section provided any Angora ram or ewe.

(ii) Nothing in this section contained shall apply to the export of any Angora ram or ewe from the Bechuanaland Protectorate to any Colony or Territory in South Africa in respect of which the High Commissioner shall declare by notice in the Gazette that there is a law in force in such Colony or Territory prohibiting under penalties

equal -

equal to the penalties hereinafter mentioned the exportation therefrom of Angora rams or ewes except to a Colony or Territory in South Africa which is in like manner exempted from the prohibition contained in such law.

3. Any person who shall contravene the provisions of this Proclamation by exporting any Angora ram or ewe (save as hereinbefore excepted) shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 17th day of September One thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

No 59 of 1908.

SANCTIONED

C. O.
37913
Recd
Reg. 17 OCT 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to amend the High Commissioner's Proclamation No. 9 of 1908 providing for pensions to persons employed in the service of the Government of Swaziland (hereinafter referred to as "the said Proclamation"):

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows :-

1. Section sixteen of the said Proclamation shall be and is hereby amended

(a) by the insertion therein immediately after the words "His Majesty's dominions" of the words "Or in any other territory under the protection of His Majesty"; and

(b) by the addition at the end thereof of the words "and that at his retirement he may be under sixty years of age".

2. Section seventeen of the said Proclamation shall be and is hereby amended

(a) -

(a) by the insertion therein immediately after the words "His Majesty's dominions" of the words "or in any other territory under the protection of His Majesty": and

(b) by the addition at the end thereof of the words "and that at his retirement he may be under sixty years of age".

3. The amendments hereby made shall be deemed to have been inserted in the said Proclamation at the date of the taking effect thereof and to have had effect from such date.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 23rd day of September One thousand nine hundred and eight.



Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

No. 60 of 1908.]

PROCLAMATION

By His Excellency the High Commissioner.

WHEREAS it is expedient to amend the High Commissioner's Proclamation No. 13 of 1908 providing for pensions to persons employed in the service of the Government of Basutoland (hereinafter referred to as "the said Proclamation");

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:—

1. Section *sixteen* of the said Proclamation shall be and is hereby amended

(*a*) by the insertion therein immediately after the words "His Majesty's dominions" of the words "or in any other territory under the protection of His Majesty"; and

(*b*) by the insertion therein immediately after the words "less than ten years" of the words "and that at his retirement he may be under sixty years of age."

2. Section *seventeen* of the said Proclamation shall be and is hereby amended

(*a*) by the insertion therein immediately after the words "His Majesty's dominions" of the words "or in any other territory under the protection of His Majesty"; and

(*b*) by the addition at the end thereof of the words "and that at his retirement he may be under sixty years of age."

3. The amendments hereby made shall be deemed to have been inserted in the said Proclamation at the date of the taking effect thereof and to have had effect from such date.

God Save the King.

Given under my Hand and Seal at Pretoria this Twenty-third day of September One thousand Nine hundred and Eight.

SELBORNE,
High Commissioner.

By Command of His Excellency
the High Commissioner.

C. H. RODWELL,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 61 of 1908.

SANCTIONED

C O
37913
RECD
REG. 17 OCT 08

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient further to amend the High Commissioner's Proclamation No. 26 of 1906 providing for pensions to public officers in the service of the Bechuanaland Protectorate (hereinafter referred to as "the said Proclamation")

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Section sixteen of the said Proclamation as amended by section one of the High Commissioner's Proclamation No. 6 of 1908 shall be and is hereby further amended as follows :-

(a) by the insertion therein immediately after the words "His Majesty's dominions" of the words "or in any other territory under the protection of His Majesty"; and

(b) by the addition at the end thereof of the words "and that at his retirement he may be under sixty years of age".

2. Section seventeen of the said Proclamation as amended by section two of the High Commissioner's Proclamation No. 6 of 1908 shall be and is hereby further amended as follows :-

(a) -

(a) by the insertion therein immediately after the words "His Majesty's dominions" of the words "or in any other territory under the protection of His Majesty"; and

(b) by the addition at the end thereof of the words "and that at his retirement he may be under sixty years of age."

3. The Schedule to the said Proclamation as amended by Proclamation No. 51 of 1907 shall be and is hereby further amended by the addition thereto of the following words :-

"Government Veterinary Officer, exclusively employed by Government".

4. The amendments hereby made shall be deemed to have been inserted in the said Proclamation and in the Schedule thereto at the date of the taking effect thereof and to have had effect from such date.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 23rd day of September One thousand nine hundred and eight.

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

IMPERIAL SECRETARY.

No. 62. of 1908.

SANCTIONED

C O.
37914
Recd
Regd 17 OCT 08

P R O C L A M A T I O N.

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

WHEREAS it is expedient to provide for the payment of a pension to FRANCIS ENRAGHT MOONY, Esquire, who has lately resigned the office of Resident Commissioner in Swaziland in respect of his services in Swaziland as Resident Commissioner and in other capacities:

AND WHEREAS it is also expedient to provide that JOHANNES SMUTS, Esquire, formerly British Consul in Swaziland and at the date hereof Registrar of Deeds in the Transvaal shall on his final retirement from service under the Crown be entitled to receive a pension from Swaziland funds in respect of his service under the Crown during the period from the first day of September 1895 to the thirty first day of March 1901 as British Consul in Swaziland and in other capacities :

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows :-

1. -

1. A pension at the rate of five hundred and one poundssterling per annum shall be and the same is hereby granted to the said FRANCIS ENRAGHT MOONY as from the fifteenth day of October 1907 in respect of his services in Swaziland as Resident Commissioner and in other capacities provided however that if the said FRANCIS ENRAGHT MOONY shall accept any other appointment under the Crown he shall not during the tenure of such appointment be entitled to receive any portion of the said pension which added to the salary and emoluments of such appointment and to any other pension from public funds receivable by him would cause his total receipts from public funds to exceed the amount of the salary and emoluments of which he was in receipt as Resident Commissioner at the time when he resigned that office.

2. The said pension shall be payable out of the revenue of Swaziland.

3. Sections twenty twenty one and twenty two of the High Commissioner's Proclamation No. 9 of 1908 which provides for the granting of pensions and other allowances to pensions employed in the service of the Government of Swaziland shall apply to the said pension as if the same were a pension payable under the provisions of the said Proclamation.

= person

4. The said pension shall be in substitution for any pension which might be claimable by the said FRANCIS ENRAGHT MOONY under the provisions of the said Proclamation No. 9 of 1908.

5. -

5. The service under the Crown of the said JOHANNES SMUTS during the period from the first day of September 1895 to the thirty first day of March 1901 as British Consul in Swaziland and in other capacities shall for the purpose of the said Proclamation No. 9 of 1908 be deemed to have been service in a pensionable office in Swaziland and the said JOHANNES SMUTS shall on his final retirement from the service of the Crown be entitled to receive in respect of his service during the said period a pension from Swaziland funds in accordance with the provisions of the said Proclamation.

6½ This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 23rd day of September One thousand nine hundred and eight.

Selborne

HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

C H Rodwell

IMPERIAL SECRETARY.

C. O
37919
Rec'd
Rel. 17 OCT 08

No. 63 of 1908.

P R O C L A M A T I O N

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS by section ten of the Swaziland Administration Proclamation 1904 it is provided that no concession or grant made by or on behalf of the King or Paramount Chief of Swaziland shall be recognised by any Court of Law save and except such as were confirmed by the late Chief Court of Swaziland and which had not at the date of that Proclamation become void through forfeiture or otherwise.

AND WHEREAS it appears from the reports of the Swaziland Concessions Commission appointed under section eleven of the said Proclamation (hereinafter referred to as 'the Commission') to be equitable by reason of special circumstances affecting certain concessions made as aforesaid which were not confirmed by the late Chief Court that relief should be granted to the holders of such concessions:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows :-

1. In this Proclamation the term "unconfirmed concession" shall mean a concession or grant made by or on behalf of the King or Paramount Chief of Swaziland which

was -

was not confirmed by the late Chief Court of Swaziland or a portion of any such concession which was not so confirmed.

2. (i) The High Commissioner may upon the recommendation of the Commission either

(a) confirm, with or without modification all or any of the rights granted by any unconfirmed concession which was duly registered in the Deeds Office for Swaziland prior to the eleventh day of October 1899 and which would if it had been confirmed by the late Chief Court be a 'land concession' or a 'mineral concession' within the meaning of those terms as defined in section one of the Swaziland Concessions Partition Proclamation 1907 or a portion of such a concession, and may attach conditions to such confirmation, or

(b) refund to the person registered at the date of the taking effect of this Proclamation as the holder of any such unconfirmed concession the whole or part of the rents royalties or other moneys paid by such holder in terms of such concession: provided that no such refund shall be made in respect of an unconfirmed concession where rights held under a confirmed concession wholly extinguish the rights granted under such unconfirmed concession or have preference over such rights for a period of not less than fifty years from the date of such unconfirmed concession.

(ii) The confirmation of any rights under this section shall for the purposes of the Swaziland Administration -

Administration Proclamation 1904, the Swaziland Concessions Partition Proclamation 1907 and the Swaziland Concessions Partition Amendment Proclamation 1907 and for all other purposes be deemed to be equivalent to confirmation by the late Chief Court save that any rights so confirmed shall rank as though the concession under which they were granted were of subsequent date to any concession confirmed by the late Chief Court in respect of the area affected by such rights and the provisions of the said Proclamations shall apply accordingly, provided however that the time within which the holder of any concession confirmed in whole or in part under this section shall be required to comply with the provisions of section thirteen of the Swaziland Administration Proclamation 1904 shall be such time as may be fixed by notification in writing addressed to such holder by the Secretary of the Commission.

(iii) Any decision of the Commission given or purporting to have been given under section fifteen of the Swaziland Administration Proclamation 1904 or any amendment thereof with respect to the area of an unconfirmed concession shall mutatis mutandis apply to any rights granted under such concession as confirmed by the High Commissioner under this section notwithstanding such decision was given before the date of such confirmation.

3. The registered holder of any unconfirmed concession who desires to obtain any relief under the provisions of this Proclamation shall make to the Commission application in writing for such relief not later than the thirty first day of December 1908 provided that any application for the confirmation of any unconfirmed concession

made -

made in writing to the Commission before the date of the taking effect of this Proclamation shall be deemed to be an application duly made under the provisions of this section. Any person making an application under this section shall furnish such documents in support of his application as the Commission may require.

4. (i) Any rights held under an unconfirmed concession which have not been confirmed by the High Commissioner within six months after the date of the taking effect of this Proclamation shall be deemed to be null and void.

(ii) Any order of confirmation made by the High Commissioner under this Proclamation shall be lodged with the Registrar of Deeds within seven months after the date of the taking effect of this Proclamation and the Registrar shall on the expiration of such period cancel the registration of all rights granted by unconfirmed concessions in respect of which no order of confirmation has been lodged under this section.

5. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

GIVEN -

GIVEN under my hand and seal at P R E T O R I A this twenty third day of September, One thousand nine hundred and eight.



HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

IMPERIAL SECRETARY.

No. 64 of 1908.

C. O.
37906
RECD
REG 17 OCT 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend in certain respects the Licenses and Stamp Duties Proclamation 1908 (No. 34 of 1908) hereinafter referred to as "the principal law", whereby provision is made for the raising of revenue by the imposition of certain stamp duties and licenses within the Territory included within the limits of the Barotziland-North-Western Rhodesia Order-in-Council 1899:

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows :-

1. Licenses for any purpose for which a license is required in the Territory by the principal law or any other law may unless it is otherwise specially provided be issued by the Administrator or by any officer duly authorised by him.

2. Notwithstanding anything contained in the principal law it shall be lawful for the Administrator or for any officer acting under his instructions to refuse to issue or to renew any license specified in Part I of the First Schedule to the principal law, and to refuse to grant an

application -

application for the removal of any such license, and it shall not be necessary to assign any reason for such refusal.

3. Where any license specified in Part I of the First Schedule to the principal law is not renewed on the expiration thereof the materials of any building erected at the trading station where trade under such license was carried on together with any moveable property thereon may be removed by the person legally entitled to the ownership thereof at any time within three months after the expiration of such license, and failing such removal within the time appointed such materials and property may be removed and sold by order of the District Commissioner having jurisdiction and the proceeds of such sale shall be applied as far as may be necessary to the payment of all expenses incurred and the balance shall be paid to the owner of such materials and property. No claim to compensation for loss incurred by such removal will be admitted.

4. The heading to section thirty seven of the principal law shall be and is hereby amended by the deletion of the word "Police" and the substitution therefor of the word "Policy"

5. The Second Schedule to the principal law shall be and is hereby amended as follows :-

(i) under the heading "Bills, Cheques, Fixed Deposit Receipts, Good fors, I.O.U's and Promissory Notes" by deleting the words "and see sections twenty nine thirty thirty one and thirty two" and substituting "and -

"and see sections <u>twenty eight</u> <u>twenty nine</u>

<u>thirty</u> and <u>thirty one</u>"

(ii) under the heading "Deeds Registry Office"

by deleting the words and figures

"For the registration of any

deed of grant, transfer,

mortgage or probate.....£ 1. 0."

and substituting therefor

"For the registration of any

deed of grant, transfer,

mortgage or probate..... £1. 0. 0."

(iii) under the heading "Land grants and

Quitrents"

i. by deleting the words and

figures "Exceeding 30 but

not exceeding 60 acres £1. 10. 0."

and substituting therefor

"Exceeding 30 but not

exceeding 50 acres £1. 10. 0."

ii. by deleting the words

"and see sections <u>thirty</u>

<u>three</u> and <u>thirty four</u>"

and substituting therefor "and see

sections <u>thirty two</u> and <u>thirty three</u>"

(iv) under the heading "Magistrate's Court

Civil" by deleting the words and figures

"(b) Claim not exceeding £5 for

each £ .....£ 3."

and substituting therefor

"(b) Claim exceeding £5 for every

£ ....£ 3."

(v) under the heading "Permits"

i. by deleting the words and figures

"Under -

"Under regulation for armed escort
caravans ..... £ 1. 0."
and substituting therefor
"For armed Escorts of Caravans £ 1. 0."

ii. by deleting the words and
figures "Permit of exemption
(Asiatic) ..... £ 2. 0."
and substituting therefor
"Permit of Exemption to Asiatic or
Coloured person ..... £ 2. 6."

iii. by deleting the words and figures
"Under delivery to natives and
Asiatics £ 1. 0."
and substituting therefor
"For delivery to and possession
by Natives and Asiatics of fire
arms and ammunition ..... £ 1. 0."

6. This Proclamation shall be read as one with the principal law and shall have force and take effect as from the first day of October 1908.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this -

this 24th day of September

One thousand nine hundred and eight.



HIGH COMMISSIONER.

By Command of His Excellency the High Commissioner.

IMPERIAL SECRETARY.

65
08.

No. 65 of 1908.

C O
41777
R
14 NOV 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to amend the tariff of fees allowed on taxation of costs in the Courts of the Resident Commissioner and Assistant Commissioners of Swaziland in civil cases.

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906, I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything contained in Law No. 12 of 1899 of the Transvaal as in force mutatis mutandis in Swaziland by virtue of sub-section (1) of section two of the Swaziland Administration Proclamation 1907, the fees to be allowed on taxation in the Courts of the Resident Commissioner and Assistant Commissioners of Swaziland in civil cases shall unless the Court hearing the case shall otherwise direct include in addition to the fees already allowed by Law:

(1) An allowance to the Attorney of any party at the rate of one guinea a day for each day for which such Attorney is necessarily absent from

- his -

his usual place of business in order to attend the hearing of the case.

(2) The actual travelling expenses reasonably incurred by such Attorney in travelling to and from the Court:

Provided however that no such allowance as aforesaid shall be included where the period of such necessary absence is less than twelve hours, and that for the purpose of reckoning the amount of any such allowance any part of a day not less than twelve hours shall be reckoned as one day.

2. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G.

GIVEN under my hand and seal at Durban this nineteenth day of October, one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner

C H Rodwell

Imperial Secretary.

No. 66 of 1908.

C. O.
42713
RECD
21 NOV 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to provide for the settlement of disputes arising between concessionaires grantees or lessees of land in Swaziland and natives having concurrent rights of occupation in respect of the same land or a portion thereof whether under paragraph (a) of section six of the Swaziland Concessions Partition Proclamation 1907 or otherwise:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything contained in the Swaziland Administration Proclamation 1907 or any other law in force in Swaziland it shall be lawful for every Court of Assistant Commissioner to adjudicate in all disputes relating to the occupation or use of land situate in the area subject to its jurisdiction arising between concessionaires grantees or lessees of land and natives occupying or claiming to be entitled to occupy the same land or a portion thereof whether under paragraph (a) of section six of the Swaziland Concessions

Partition Proclamation 1907 or otherwise.

2. For the purpose of settling any such dispute as is mentioned in the preceding section every Court of Assistant Commissioner shall have jurisdiction to assign any portion of the land in dispute for the exclusive use and occupation of any party to such dispute or for the joint use and occupation of any two or more of the parties to such dispute subject to such conditions and restrictions and for such period not extending beyond the termination of the period of five years mentioned in paragraph (a) of section six of the Swaziland Concessions Partition Proclamation 1907 as the Court may determine.

3. Where any land assigned for the use of a concessionaire grantee or lessee by any order of a Court made under this Proclamation is after the date of such order demarcated selected or transferred under section four of the Swaziland Concessions Partition Proclamation 1907 such order shall forthwith cease to operate in as far as it is inconsistent with such demarcation selection or transfer and the concessionaire grantee or lessee who is thereby deprived of the use of any land may apply to the Court of Assistant Commissioner to vary such order by assigning for his use other land in place of the land of the use of which he is deprived and such Court shall have jurisdiction to vary such order accordingly.

4. In all cases falling under the provisions of this Proclamation an appeal shall lie from any judgment or final order of a Court of Assistant Commissioner to the Court of Resident Commissioner subject to the provisions of section thirteen of the Swaziland Administration

Proclamation 1907 relating to other appeals from Courts of Assistant Commissioner, and the decision of the Court of Resident Commissioner shall be final.

5. Any person being a party to any case falling under the provisions of this Proclamation who wilfully uses or occupies or wilfully causes to be used or occupied land in contravention of any order of a Court made hereunder shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

6. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at *Durban* this *twentyninth* day of *October* one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

C. O.
42714
21 NOV. 08

No. 67 of 1908

SANCTIONED

P R O C L A M A T I O N

By His Excellency the High Commissioner

WHEREAS The Sheriff's Proclamation 1902 of the Transvaal is under Sub-section one of Section two of the Swaziland Administration Proclamation 1907, a law in force, mutatis mutandis, in Swaziland.

AND whereas the Registrar of the Special Court of Swaziland and of the Court of the Resident Commissioner of Swaziland has acted as Sheriff of Swaziland in the absence of the person appointed so to act.

NOW therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Notwithstanding anything contained in the Sheriff's Proclamation 1902 of the Transvaal as in force in Swaziland or in any other laws any duty carried out

- before

before the date of this Proclamation by the Registrar of the Special Court of Swaziland and of the Court of the Resident Commissioner of Swaziland which duty could lawfully have been carried out by the Sheriff of Swaziland shall be deemed for all purposes to have been as validly and effectually carried out as if the said Registrar had been duly appointed to act as such Sheriff.

2. This Proclamation shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

Given under my Hand and Seal at Durban this 29th day of October One thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rodwell

Imperial Secretary.

No. 68 of 1908.

C O.
44671
5 DEC 08

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient to make provision for the admission and enrolment of Barristers, Solicitors, and Notaries Public with the privilege of practising their professions in the Territory within the limits of the Barotziland North-Western Rhodesia Order in Council 1899 hereinafter referred to as "the territory":

NOW THEREFORE under and by virtue of the powers in me vested I do hereby declare proclaim and make known as follows:-

1. The High Court of North-Western Rhodesia or the Administrator's Court may approve admit and enrol as a Barrister entitled to practise before any Court of Law now or hereafter to be established in the territory -

(a) any person who shall have been admitted as a Barrister in England or Ireland or as an Advocate in the Court of Session of Scotland or as an Advocate in the Supreme Court of the Colony of the Cape of Good Hope or of the Transvaal or in the High Court of Southern Rhodesia;

(b) any person who shall have been admitted to practise as an Advocate or Barrister in the Supreme Court of any British Colony, and who at the date of

- his -

his application for admission to practise in the territory remains enrolled as an Advocate or Barrister of such Supreme Court as aforesaid:

Provided that such person -

(i) shall have passed the examination for the degree of Bachelor of Laws in the University of the Cape of Good Hope or an examination in law, which at the date of his application for admission as aforesaid is covered by a notice issued in terms of Sub-section (a) of Section three of this Proclamation, or

(ii) shall for a period of seven years successively have practised in such Supreme Court as aforesaid exclusively as an Advocate and not in partnership with any Attorney of such Court.

(c) Any person who, not being entitled to be admitted under any of the previous sub-sections, shall have been admitted to practise as an Advocate in the Supreme Court of any Colony or State now forming part of British South Africa and who at the date of the taking effect of this Proclamation shall have practised as such Advocate for a period of seven years successively.

Provided always that no person shall be admitted to practise as a Barrister, or after having been so admitted shall continue to practise as aforesaid who shall either by himself be carrying on directly or indirectly the business of a Solicitor or be directly or indirectly interested in the business of any

- Solicitor -

Solicitor or firm of Solicitors practising within the territory or any British Colony or any other territory under the protection of His Majesty: and provided further that no person shall be admitted to practise as aforesaid until he shall have taken, in open Court unless otherwise ordered, the oaths set forth in the Schedule to this Proclamation.

2. The said High Court or the Administrator's Court may approve admit to practise and enrol as a Solicitor entitled to practise in the territory and before any Court of Law now or hereafter to be established in the territory:-

(a) any person who being an Attorney or Solicitor of any of the Courts of Record in London, Dublin, or being a writer to the Signet or a Solicitor or Law Agent admitted to practise in the Supreme Courts in Scotland or an Attorney of the Supreme Court of the Cape of Good Hope or of the Transvaal or of the High Court of Southern Rhodesia, is not under any order of suspension in any of such Courts respectively;

(b) any person who shall produce satisfactory proof that he has been admitted as an Attorney or Solicitor of the Supreme Court of any British Colony and that at the date of his application for admission by the said Court his name remains enrolled as an Attorney or Solicitor of such Supreme Court, and that he has practised as an Attorney or Solicitor of such Supreme Court for a period of seven years successively or has passed the examination in Law and Jurisprudence of the University of the Cape of Good Hope or an

- examination -

examination in law which at the date of his application is covered by a notice issued in terms of sub-section (b) of Section thres of this Proclamation, as well as the Matriculation examination of the said University or an examination in literature and science covered by a notice issued in terms of Sub-section (c) of Section three of this Proclamation;

(c) any person entitled to be enrolled as a Barrister provided he satisfies the Court applied to that he has not practised as a Barrister during the six months immediately preceding his application for admission as a Solicitor.

Provided always that every person admitted to practise as a Solicitor shall take, in open Court unless otherwise ordered, the oaths set forth in the Schedule to this Proclamation.

3. It shall be lawful for the Administrator after having consulted and obtained the approval of the Judges of the said High Court, from time to time to notify in the Gazette:-

(a) that any examination in law specified in such notice is to be deemed equivalent to the examination for the degree of Bachelor of Laws in the University of the Cape of Good Hope.

(b) that any examination in law specified as aforesaid is to be deemed equivalent to the examination in Law and Jurisprudence of the University of the Cape of Good Hope;

(c) that any examination in literature and science specified as aforesaid is to be deemed equivalent to the Matriculation Examination in the University of the Cape of Good Hope.

4. The persons approved, admitted and enrolled as aforesaid shall be and they are hereby authorised to appear and plead and act in their respective capacities for suitors of any Court of Law subject always to their being suspended or removed by the said High Court or the Administrator's Court upon reasonable cause.

5. The said High Court or the Administrator's Court may approve, admit to practise and enrol as a Notary Public any person who has been admitted as a Solicitor in either of the said Courts.

6. All Barristers and Solicitors already admitted and enrolled in the said High Court or the Administrator's Court shall be entitled without any other enrolment and without being required to pay any fresh or additional stamp duty, to practise as Barristers and Solicitors in the said High Court or the Administrator's Court or in any other Court of Law in the territory.

G O D S A V E T H E K I N G!

G I V E N under my Hand and Seal at Johannesburg this 7th day of November one thousand nine hundred and eight.

Selborne

High Commissioner.

By Command of His Excellency
the High Commissioner

H. Rothwell

Imperial Secretary.

S C H E D U L E.

In the High Court or the Administrator's Court (as the case may be) of North-Western Rhodesia.

I . . . . . .

do swear that I will truly and honestly demean myself in the practise of a (Barrister or Solicitor as the case may be) according to the best of my knowledge and ability.

So help me God

Sworn in open Court

this day of

Registrar.

I . . . . . .

do swear that I will be faithful and bear true allegiance to His Majesty King Edward VII, His Heirs and Successors according to law.

So help me God

Sworn in open Court

this day of

Registrar.

No. 69 of 1908.

C. O.
3496
Rec'd
30 JAN. 09

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS it is expedient further to amend certain provisions of the Swaziland Administration Proclamation 1907 (hereinafter referred to as "the Principal Law") as amended by Proclamation No.36 of 1907.

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by the Swaziland Order in Council 1903, as amended by the Swaziland Order in Council 1906 I do hereby declare proclaim and make known as follows:-

1. Section one of Proclamation No.36 of 1907 shall be and is hereby repealed.

2. Notwithstanding anything contained in sub-section (1) (b) of section fourteen of the Principal Law it shall be lawful for the Court of Resident Commissioner at any time when the Special Court of Swaziland is not sitting to hear and determine -

(a) all motions and applications (including applications for arrests and interdicts of persons

- and -

and things) in respect of any claim debt or matter in dispute which is within the jurisdiction of the said Special Court whether an action in respect thereof is pending in the said Special Court or not;

(b) all actions for provisional sentence which are within the jurisdiction of the said Special Court;

(c) all trial cases commenced in the said Special Court in which the defendant is in default;

and for that purpose to take cognizance of all documents filed in the said Special Court in respect of any such matter in the same way as if such documents had been filed in the Court of Resident Commissioner. In all such cases an appeal shall lie from the decision of the Court of Resident Commissioner to the Special Court of Swaziland, and the provisions of section thirteen of the Principal Law shall apply to any such appeal.

3. Sub-section (2) of section fourteen of the Principal Law shall be and is hereby repealed and the following sub-section substituted therefor:-

"(2) When and as often as the Court of Resident Commissioner shall be held at any place other than Mbabane the Resident Commissioner shall publicly notify the time and place for the holding of such Court".

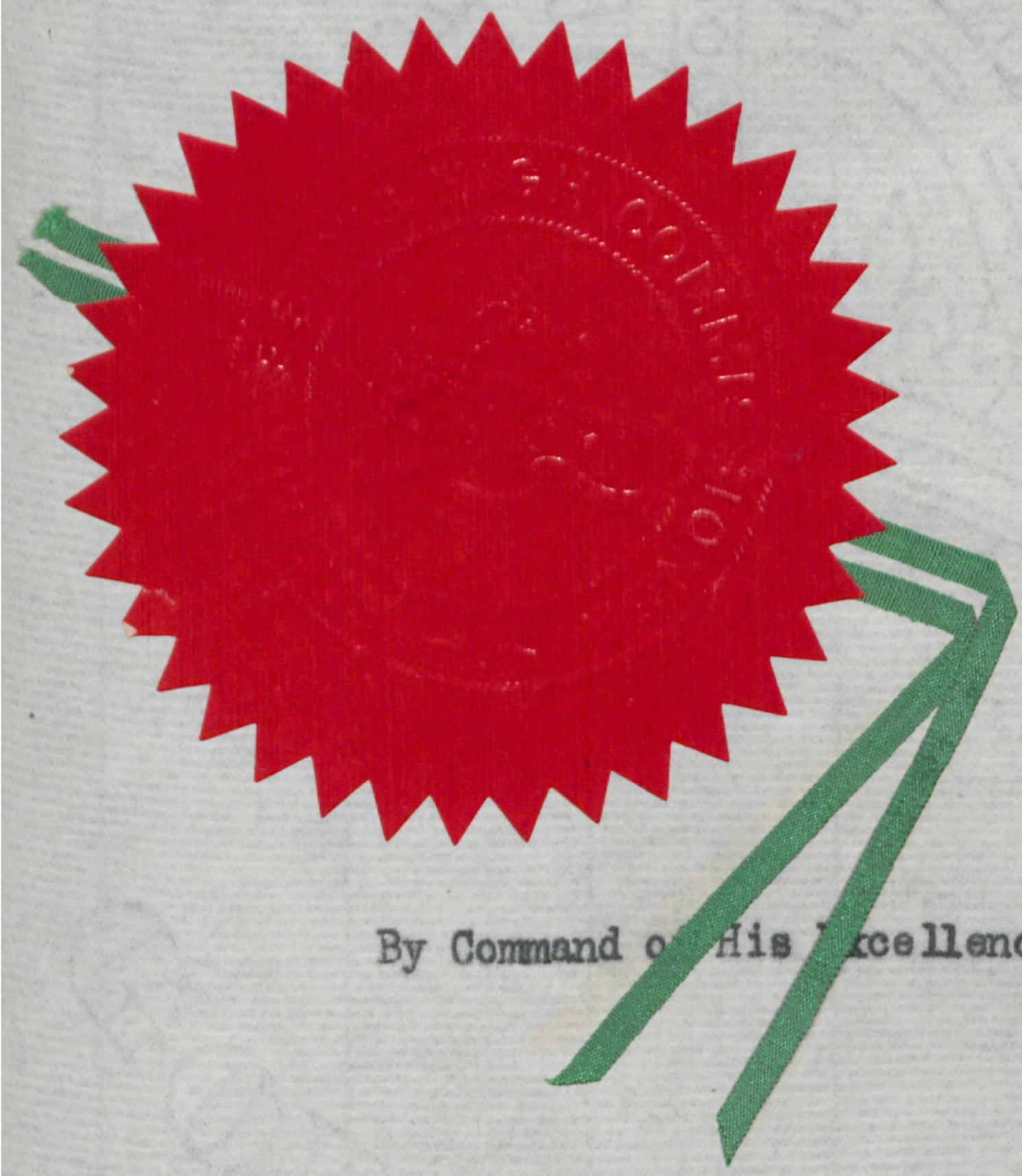
4. This Proclamation shall be read as one with the Principal Law and shall have force and take effect

- from -

from the date of its publication in the Gazette.

G O D S A V E T H E K I N G!

GIVEN under my Hand and Seal at Johannesburg this twenty third day of December, one thousand nine hundred and eight.



Selborne

High Commissioner.

By Command of His Excellency the High Commissioner.

C H Rothwell

Imperial Secretary.

No. 70 of 1908.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

SANCTIONED

WHEREAS provision has been made by the Swaziland Concessions Partition Proclamation 1907 for the setting apart by a Special Commissioner of portions of land affected by land concessions for the sole and exclusive use and occupation of natives:

AND WHEREAS it is expedient to make provision as to the date from which demarcations of land made under the said Proclamation shall take effect and otherwise to amend the said Proclamation:

NOW THEREFORE under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 I do hereby declare proclaim and make known as follows:-

1. (1) All demarcations of land for the use and occupation of natives made by the Special Commissioner under section four of the Swaziland Concessions Partition Proclamation 1907 and described in the Report of the Special Commissioner dated the fifth day of December 1908 shall subject to any modification authorised by the High Commissioner take effect on the first day of July 1909.

(2) No appeal under section nine of the said Proclamation against any such demarcation as aforesaid

- shall -

shall be entertained by the High Commissioner unless written notice of such appeal shall have been lodged in the Office of the Imperial Secretary at Johannesburg before the first day of April, 1909.

2. Paragraph (a) of section six of the Swaziland Concessions Partition Proclamation 1907 shall be and is hereby amended by the deletion therefrom of the words "for a period of five years after the demarcation, selection or transfer of land as aforesaid" and the substitution therefor of the words "for a period of five years commencing on the first day of July 1909".

3. This Proclamation shall be read as one with the Swaziland Concessions Partition Proclamation 1907 and any Proclamation amending the same and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING!

GIVEN under my Hand and Seal at Johannesburg this 23rd day of December one thousand nine hundred and eight



Selborne

High Commissioner.

By Command of His Excellency the
High Commissioner.

C H Rothwell

Imperial Secretary.

COLONIAL OFFICE
LIBRARY

DOMINIONS OFFICE
LIBRARY